



**25 September 2023**

**259<sup>th</sup> COMMISSION MEETING**  
**Held in the Commission's Offices,**  
**Alfred House, 19-21 Alfred Street, Belfast,**  
**BT2 8ED and via Teams**

**Present:** Alyson Kilpatrick  
Helen Henderson  
Jonathan Kearney  
Stephen White  
Justin Kouame

**In attendance:** David Russell, Chief Executive  
Rebecca Magee, Executive Assistant to the Chief  
Commissioner and Chief Executive  
Rhyannon Blythe, Director (Legal Services)  
Colin Caughey, Director (Advice to Government,  
Research and Investigations)  
Lorraine Hamill, Director (Finance, Personnel &  
Corporate Affairs)  
Claire Martin, Director (Engagement and  
Communications)  
Éilis Haughey, Director (Human Rights after EU  
Withdrawal)  
Vivienne Fitzroy, Boardroom Apprentice  
Michael Black, Solicitor (agenda item 9)  
Hannah Russell, Senior Policy and Research Officer  
(Agenda item 10)  
Lauren Shaw, Policy and Research Officer (Agenda item  
11)

## 1. Apologies and Declarations of Interest

1.1 Apologies were received from Commissioner Lavery.

1.2 There were no declarations of interest.

## 2. Draft Minutes of the 258<sup>th</sup> Commission meeting

2.1 The minutes of the 258<sup>th</sup> Commission meeting held on 29<sup>th</sup> August were approved following a minor amendment.

**Action: Minutes of the 258<sup>th</sup> Commission meeting to be uploaded to the website.**

## 3. Chief Commissioner report

3.1 The Chief Commissioner's report was noted.

## 4. Commissioners' report

4.1 There was nothing to report.

## 5. Chief Executive report

5.1 The Chief Executive updated Commissioners on the Independent Review with the government response now been published. The review and the response have been shared with staff.

5.2 The Chief Executive reported that the next session of the Sub Accreditation committee will take place in October. The Chief Commissioner and Chief Executive will attend the hearing.

## 6. Business Plan 2023-24

6.1 The Chief Executive presented the final business plan for 2023-24 for approval. The business plan 2023-24 was delayed in being published while confirmation was being

sought from the NIO regarding the budget.

- 6.2 With the budget now in place, Commissioners approved the Business Plan 2023-24 following an amendment to the foreword.

**Action: Business Plan 2023-24 to be uploaded to the website.**

## **7. Finance Report**

- 7.1 The Director (Finance, Personnel & Corporate Affairs) presented the finance reports for core and dedicated mechanism expenditure for September 2023.

- 7.2 Commissioners noted the finance report.

## **8. KPI reporting template**

- 8.1 The Chief Executive presented Commissioners with the populated KPI reporting template. Commissioners noted the template.

- 8.2 Commissioners agreed that teams will present to their KPI functions report on a rota basis, with each team presenting twice a year.

## **9. Legal update and Application for Assistance**

- 9.1 The Director (Legal Services) provided an update on the following:
- Own motion challenge to the Illegal Migration Act: preparation is ongoing, and Counsel will be submitting in the coming days. Communications regarding the Own Motion Challenge are being drafted.
  - NM (pension discrimination): Skeleton arguments and court bundles are being prepared for hearing.
- 9.2 The Director (Legal Services) provided Commissioners with an update on the Legacy Bill and highlighted to date that 20

individuals have submitted legal challenges to the Bill. Commissioners will be kept updated as this progresses.

**Action: Commissioners to be kept updated on developments on the Legacy Bill.**

9.3 The Solicitor presented an Application for Assistance on JR87 Court of Appeal (a challenge to the Department of Education in respect of their provision of Religious Education and Collective Worship that potentially contravenes the Applicant's human rights under the European Convention by failing to be objective, critical and pluralistic). At their 238th Commission meeting, on 27 September 2021, Commissioners considered the case of JR87, then at the NI High Court, and decided not to seek leave to intervene. Instead, it was agreed to keep a watching brief of the case and reconsider if the Court were to request an amicus curiae brief or if the case reached the Court of Appeal.

9.4 Commissioners discussed the Application for Assistance and agreed not to seek the leave to intervene at this time. Having regard to the possible limited value that would be added through supplementing existing arguments, it is not regarded as an effective use of the Commission's resources.

## **10. Annual Statement**

10.1 The Senior Policy and Research Officer presented the draft Annual Statement.

10.2 Commissioners discussed the Annual Statement and agreed with the recommendations of the presented. It was agreed that the full report will be presented at the October meeting and that amendments made to previously approved recommendations would be highlighted.

**Action: Full Annual Statement to be presented at the October meeting for final sign off.**

## **11. Policy Functions Report**

11.1 The Director (Advice to Government, Research and Investigations) presented the Policy functions report which highlighted consultation/legislative/international examination processes that the Commission is currently engaging on.

These included:

- The Executive Office, Review of the Race Relations (NI) Order 1997
- National Preventive Mechanism consultation on membership
- Department for Infrastructure , Concessionary Fare consultation
- TEO, Violence Against Women and Girls Strategic Framework
- Department of Education, Relationship and Sex Education provision

11.2 The Policy and Research Officer provided updated Commissioners on the UN Committee on the Rights of Persons with Disabilities Committee follow up session on its inquiry into social security reforms in the UK which the Commission successfully participated in. The Commission received positive feedback from disabled people and their organisations on our engagement.

## **12. Engagement and Communications update and press clippings**

12.1 The Director (Engagement and Communications) updated Commissioners on the Engagement and Communications function which included:

- Pro-active work with stakeholders following publication of the government response to the Independent Review.
- Ongoing work on media regarding the Own motion challenge to the Illegal Migration Act.
- Annual Lecture – the event took place in July and was very well attended.

- Podcast – the new round of podcasts has begun. The first with NSPCC and the second with the UN Special Rapporteur on Climate change.

### **13. Dedicated Mechanism**

13.1 The Director (Human Rights after EU Withdrawal) updated Commissioners on the work of the Dedicated Mechanism since the last meeting which included:

- Frontier Workers and their families research launch will take place on 4<sup>th</sup> October in The Mac.
- Asylum research launch will take place on 20<sup>th</sup> November in Clifton House.

### **14. Any other Business**

14.1 Commissioners welcomed Vivienne Fitzroy as the new Boardroom Apprentice. Commissioner Henderson will act as the 'Boardroom Buddy'.

The meeting closed at 12:45