



**30 March 2020**

## **222<sup>nd</sup> 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 1-8)  
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 221<sup>st</sup> Commission meeting and**

## **matters arising**

2.1 The minutes of the 221<sup>st</sup> Commission meeting held on 24 February 2020 were agreed as an accurate record.

**Action: 221<sup>st</sup> Commission meeting minutes to be uploaded to the website.**

2.2 The Chief Executive updated Commissioners on the bid with the Rwandan Human Rights Commission to be the joint secretariat for the Commonwealth Forum of National Human Rights Institutions. The bid was successful and the Commission along with the Rwandan Human Rights Commission were appointed as the joint secretariat. Work on the logistics of the role and funding is ongoing (item 7.2 of the 221<sup>st</sup> minutes refers).

2.3 The Director (Communications, Information and Education, Public and Political Affairs) provided an update on the Freedom of Information requests and the approach being taken when responding to continuous requests from one individual. Legal advice has been sought and will be circulated to Commissioners (item 7.3 of the 221<sup>st</sup> minutes refers).

**Action: Legal advice to be shared with Commissioners.**

## **3. Chief Commissioner's Report and Commissioners' Reports**

3.1 The Chief Commissioner reported on meetings and events he had attended since the last Commission meeting. These included:

- Meeting with Robin Walker MP NIO re abortion regulations.
- Meeting of the four National Human Rights Institutions and the Equality Commission Northern Ireland (ECNI) in Dublin.
- Meeting with Colin McGrath SDLP MLA

- Joint lecture with ECNI: Chris Patten.
- CAJ roundtable on EU exit and cross-border immigration and migration issues.
- Meetings at Westminster including NI Affairs Select Committee clerk, Lord Dubs, Caroline Nokes MP, Chair of Equalities Select Committee, Vicky Oliveira and Holly Clark NIO, Shami Chakrabarti, Lord Duncan, Earl Kinnoull, chair of House of Lords EU Select Committee Jim Shannon MP, Gavin Robinson MP and Brandon Lewis MP Secretary of State for Northern Ireland.
- Meeting with Paddy Kelly, Children's Law Centre
- Panel on equality and diversity for Alliance Party annual conference.
- Meeting with Clare Johnson, special political adviser to Naomi Long.
- Meeting with Ernie Waterworth and colleague, South East Fermanagh Foundation Victim's Group.
- Evidence to NI Assembly ad-hoc Bill of Rights committee.
- Meeting (conference call) with DFAT re publication of joint committee reports.

3.2 Commissioner Shields reported on the Audit and Risk Management Committee meeting, which took place on 23 March 2020.

3.3 Commissioner Mageean reported on a symposium he attended hosted by RQIA on the use of CCTV in nursing homes.

3.4 Commissioner McCallister reported on the IMNI meeting hosted by the Equality Commission where the development of a Disability Forum was agreed.

## 4. Chief Executive's Report

4.1 The Chief Executive provided an update on the premises move. The contract has been signed and contractors have been appointed to start the fit out of the new office space.

4.2 The Chief Executive reported on the funding for 2020-21, including the two business cases currently before the Secretary of State for approval.

- 4.3 The Chief Executive provided an update on how the Commission is continuing to work during the COVID-19 pandemic. All staff are now working from home, and have been provided with the appropriate IT equipment. Staff meetings are continuing on a weekly basis via conference call. The option of Zoom and Microsoft Teams are being explored with IT to make conference calling more effective.
- 4.4 The Chief Executive raised the issue of the Commission covering staff expenses, such as light, heat and electric during the working from home period as this is exceptional circumstances. Commissioners agreed in principle, however, it was agreed that the Commission would do further research into what other organisations such as BSO, NICS and the NIO are doing on this issue.

**Action: Chief Executive to update Commissioners.**

## **5. Finance Report**

- 5.1 The Director (Finance, Personnel and Corporate Affairs) presented the financial report for February 2020 and provided details on variances against budget.
- 5.2 The Director reported on the recent recruitment for a DP Finance Officer. Unfortunately, there were no suitable applications. In light of this, the Commission is working with Heads Together, a Human Resources company to re-evaluate the Commission's application forms and to help with future recruitment.

## **6. Business Plan and Quarterly Report against the Business Plan template**

- 6.1 Commissioners discussed the Business Plan 2020-21. Following minor amendments, the Business Plan was agreed.
- 6.2 Commissioners agreed that the approved Business Plan 2020-21 would be published without waiting for budgetary approval

from the sponsoring Department. It was agreed that the Auditors would be made aware of this decision.

**Action: Business Plan 2020-21 to be published in April 2020.**

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

6.3 Commissioners noted the template for the Quarterly Report against the Business Plan.

## 7. Coronavirus Act and Commission's role

7.1 The Director (Legal, Research and Investigations, and Advice to Government) provided Commissioners with an overview of the Coronavirus Act and how the Commission will be addressing the Act, this included:

- Issuing a response to the Joint Committee on Human Rights investigation on the Act
- Publishing a briefing on the new powers on the Commission's website
- Continuing to issue communications in relation to COVID-19 via press statements, interviews and social media.
- Highlight the issue in the Business Plan 2020-21
- Looking at opportunities to produce articles for local newspapers

## 8. Legal Functions Report

8.1 Commissioners were provided with an update on the legal functions report. This included updates on the following litigation:

- Unspent Convictions and Rehabilitation of Offenders Order – application for leave for JR - the Commission has written to the Departmental Solicitors Office for clarity on the possibility of law reform as per the judge's wishes. This is ongoing.
- NM (MoD refusal to provide partner of army veteran with his pension after he passed away) – the case hearing has

been delayed due to the closure of the Courts. The option of written submissions to deal with preliminary legal issues is being explored.

- MC (Requirement of candidates to publish home address to stand for local council/EU elections) - the issue of damages and acceptance of a breach of human rights is outstanding and will be followed up.

- 8.2 Commissioners were updated on the issue of access to reproductive healthcare in NI and Termination of Pregnancy in light of the new regulations that are about to come into force.
- 8.3 Commissioners were updated on the DNA retention policy that is awaited from the PSNI following the Commission's 2019 legal action. It was agreed that the Chief Commissioner would write to the PSNI for an update.

**Action: Chief Commissioner to write to PSNI for an update on the status of the DNA Retention document.**

- 8.4 Commissioners acknowledged that the suspension of the Advice Clinic was still in place due to staff shortages within the legal team and the inability to recruit due to budget constraints. The Chief Executive is monitoring the situation.

## 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 highlighting the statement on Covid-19 and the Commission remaining 'business as usual'.
- 9.2 Commissioners noted the Imagine Festival event and the Annual Lecture with Stella Creasy MP had been postponed due to the pandemic.
- 9.3 Commissioners were updated on the education and training function, in which the Commission will be looking at the possibility of virtual training.
- 9.4 Commissioners were updated on the Business and human Rights Forum. The next meeting may take place virtually.

## **10. Any Other Business**

10.1 This item was dealt with under a closed minute.

The meeting closed at 14:00pm.