



29 June 2020

225th COMMISSION MEETING

Held via Microsoft Teams

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) (Agenda items 1-2 and 6-8)
Rebecca Magee, Personal Assistant (Agenda items 3-5 and 9-14)
Claire Martin, Director (Communications, Information and Education, Public and Political Affairs)
Hannah Russell, Director (Legal, Research and Investigations, and Advice to Government)
Julia Stella, Boardroom Apprentice

1. Apologies and Declarations of Interest

- 1.1 There were no apologies.
- 1.2 There were no declarations of interest.

2. Minutes of the 224th Commission meeting and matters arising

2.1 The minutes of the 224th Commission meeting held on 26 May 2020 were agreed as an accurate record.

Action: 224th Commission meeting minutes to be uploaded to the website.

2.2 It was noted that Jacqueline McClintock joined the Commission on 6 July 2020 as the new Finance, Personnel and Corporate Affairs Officer (item 5.3 of the 224th minutes refers).

2.3 Commissioners noted that a draft version of the Annual Statement 2020 would be available for consideration at the August 2020 Commission meeting (item 7.1 of the 224th minutes refers).

Action: Draft version of the Annual Statement 2020 to be considered at the 24 August 2020 Commission meeting.

2.4 It was noted that the Director (Legal, Research and Investigations, and Advice to Government) would liaise with Commissioner Rooney regarding the roundtable discussion for an inquiry drug addiction (item 7.3 of the 224th minutes refers).

Action: Director to liaise with Commissioner Rooney.

2.5 It was agreed that further information for the Children in Care Report would be brought to the August 2020 Commission for consideration (item 8.1 of the 224th minutes refers).

Action: Director (Legal, Research and Investigations, and Advice to Government) to provide update to the August 2020 Commission meeting.

2.6 It was noted that following continuous similar Freedom of Information requests from one individual a vexatious notice had been issued. To date, no response has been received from the individual. However, the individual continues to submit requests under the Freedom of Information Act. As

previously agreed, the Director (Communications, Information and Education and Public and Political Affairs) will respond to any requests that are relevant to the work of the Commission (item 11.1 of the 224th 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:

- Evidence to the NI Assembly Finance committee on Jim Allister's Private Member's Bill - the Functioning of Government (Miscellaneous Provisions) Bill.
- Conference call Commissioner for Older People (NI) and Age (NI).
- Webinar on Right to Food for Food Foundation.
- Meeting Robin Walker Minister of State NIO
- Meeting Public Health Agency steering group on Contact Tracing App.
- Call Madeleine Alessandri NIO Permanent Secretary
- Meeting Rainbow
- Meeting Home Office Vulnerability Advisory Group
- Children (NI) Right to Food webinar
- Meeting Washington Ireland programme students working on placement for NIHR
- Meeting of UK NHRIs and Equality bodies on Covid 19 experiences to date and possible options for co-operation.
- Call William Dukelow DoJ
- Call Colm Gildernew MLA chair of the Health Committee
- Meeting John Wadham policing board human rights adviser re review of policing during the pandemic.
- Meeting re working with distressed clients –Access to Justice Foundation

3.2 It was noted that the following submissions had been made since the previous meeting:

- NI Affairs Select Committee Inquiry into Legacy proposals
- DoJ Domestic abuse and family proceedings Bill.
- DoJ Live links consultation
- Immigration and Social Security Co-Ordination Bill
- Independent Living Fund survey

- NI Assembly Finance Committee - Functioning of Government (Miscellaneous Provisions) Bill

4. Commissioners' Reports

- 4.1 Commissioner Ferguson reported on the Audit and Risk Committee. It was noted that the meeting was focused on approval of the Annual Report and Accounts 2019-2020 and that a further meeting would take place to discuss normal business as soon as possible.

5. Chief Executive's Report

- 5.1 The Chief Executive provided an update on the new premises and confirmed that the building work was on target for completion by 24 August 2020.
- 5.2 It was noted that the Chief Executive was liaising with the NIO regarding additional funding to complete the project.
- 5.3 The Chief Executive provided an update on the business cases for core funding and the dedicated mechanism. The business case for the dedicated mechanism had been approved. However, the business case for core funding, which had been submitted to request additional funding including costs to cover the recent benchmarking exercise, was rejected. The NIO advised that any additional finances required for core would be considered as part of the comprehensive spending review. This now leaves an asymmetry between funding of salaries between the core and dedicated mechanism posts.
- 5.4 There was a detailed discussion regarding the benchmarking exercise, outcomes of the two business cases and the way forward. Commissioners agreed that their position remained unchanged, namely that core funding needed to be resolved along with staff salaries.
- 5.5 It was agreed that the Chief Commissioner would write to the Permanent Secretary with a view to seek a meeting with the

Secretary of State.

Action: Chief Commissioner to write to the Permanent Secretary

- 5.6 It was also agreed that the Commission would move to a full JEGS process for the existing posts.
- 5.7 Commissioners agreed that if further meetings were required in July or August to discuss funding, business cases etc, time would be made available in their diaries.

6. Finance Report

- 6.1 The Director (Finance, Personnel and Corporate Affairs) presented the financial report for May 2020.
- 6.2 It was noted that the Commission had not received formal confirmation of its budget for 2020-21 and assumptions had been made using the prior year. The finance report would be updated once the Commission received confirmation of its budget from the NIO.

Action: Finance report to be updated when final budget for 2020-21 received from the NIO.

7. Annual Report and Accounts 2019-2020

- 7.1 It was noted that the Director (Finance, Personnel and Corporate Affairs) had given a detailed presentation of the Annual Report and Accounts 2019-20 to the recent Audit and Risk Management Committee meeting in June 2020. The Accounts were approved at that meeting and required final sign-off by the Commission Board.
- 7.2 Commissioner Ferguson confirmed that a detailed discussion had taken place at the meeting and the internal and external auditors were confident on the robustness of the accounts.
- 7.3 Commissioners approved the Annual Report and Accounts

2019-20.

7.4 It was noted that they would be sent to the Comptroller and Auditor General for final sign-off with a proposed laying date in Parliament of 16 July 2020.

Action: Director (Finance, Personnel and Corporate Affairs) to liaise with the National Audit Office and the Northern Ireland Office in enabling the laying of accounts

8. Quarterly Report against the Business Plan

8.1 Commissioners noted the Quarterly Report against the Business Plan.

8.2 Commissioners discussed the amber and red sections of the Quarterly Report and noted that these were due in part to the Covid-19 pandemic.

9. Legal Functions Report and Legal Opinion

9.1 Commissioners were provided with an update on the legal functions report including an update on the advice clinic. Following discussion, it was agreed that the advice clinic may need to be suspended due to lack of resource. A paper setting out how this would be managed to be brought to August's meeting.

Action: Suspension of advice clinic to be considered at August's meeting.

9.2 Commissioners were briefed on the legal opinion received in relation to the Commission and standing to bring human rights claims. Following discussion, it was agreed that the Chief Commissioner is to write to the Secretary of State for NI in relation to the opinion.

Action: Chief Commissioner to write to Secretary of State for NI.

9.3 Commissioners were briefed on the legal opinion received in relation to Access to Termination of Pregnancy in Northern Ireland during the Covid-19 Pandemic.

10. Discussion on Emerging from Covid-19

10.1 Commissioners discussed Northern Ireland emerging from Covid-19. It was agreed that a lessons learned paper, based on a human rights framework and potential points moving forward would be presented at the August Commission meeting.

Action: Lessons learned paper, based on a human rights framework and potential points moving forward would be presented at the August Commission meeting.

11. Communications Report

11.1 The Director (Communications, Information and Education, Public and Political Affairs) updated Commissioners on press coverage since the last meeting.

11.2 Commissioners noted the Digital Communications update.

11.3 Commissioners were presented with the new Branding for the move to Alfred Street.

12. Boardroom Apprentice Feedback

12.1 Julia Stella, Boardroom Apprentice discussed her experience as a member of the Commission meetings and Audit and Risk Management Committee meetings during her 9 months with the Commission. She outlined it would be good to be able to liaise with a commissioner as well as the Chief Commissioner to get views from the different roles.

12.2 Commissioners extended their thanks to Julia for her participation in the meetings and sent best wishes for her future endeavours.

13. Any other Business

13.1 Commissioners agreed that appointments would be made for them to visit the new premises.

Action: date to be arranged for visit to Alfred Street.

13.2 Commissioners agreed that as August was the last meeting of this board, a farewell event would be explored which would meet with current social restrictions, in the autumn.

Action: Farewell event to be explored for the autumn.

The meeting closed at 15:10pm.