



23 August 2021

237th COMMISSION MEETING

Held via Microsoft Teams

Present: Les Allamby, Chief Commissioner
Helen Henderson
Jonathan Kearney
David A Lavery CB
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)
Rebecca Magee, Personal Assistant
Htaik Win, Solicitor (Legal and Research Officer)
(agenda item 8)

Apologies: Maura Muldoon

1. Apologies and Declarations of Interest

1.1 There were no apologies and no conflicts of interest.

2. Minutes of the 236th Commission meeting and matters arising

2.1 The minutes of the 236th Commission meeting held on 28 June 2021 were agreed as an accurate record.

Action: 236th Commission meeting minutes to be uploaded to the website.

2.2 The Annual Report and Accounts were laid in Parliament in July (item 6.1 of the previous minute refers).

2.3 The new Boardroom Apprentice will be attending the board meetings from September. Commissioners agreed that as well as the Chief Commissioner mentoring the Boardroom Apprentice that a Commissioner would also do. Commissioner Eddie Rooney volunteered (item 12.1 of the previous 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:

- Attended Global Alliance of NHRIs General Assembly Knowledge exchange event
- Met Independent Working Party on a Shared Future policy through Irish Government
- Met Doug Beattie, Leader UUP
- Met Danny Kinahan, Veterans Commissioner
- Met with NIO re Legacy proposals
- Met Cliff Edge Coalition re: Commission work on analysing impact of public expenditure
- Met Naomi Long, Minister of Justice
- Met John Gillen re: review of role of Attorney General
- Attended shadow Civil Justice advisory group

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

- Response to Duty of Candour and Openness consultation DoH (NI)
- Response to Victim and Witness strategy and Victims of Crime Commissioner consultation DoJ (NI)
- Response to DfC consultation document on Housing Strategy
- Response to DoH (NI) service for working with Unaccompanied Asylum-Seeking Children
- Joint written submission with EHRC to Human Rights Council in response to UN Special Rapporteur's Right to Privacy report following visit to UK in 2018

4. Commissioners' Reports

- 4.1 Commissioner White confirmed that he has joined the Audit and Risk Management Committee.
- 4.2 Commissioner White reported on his media involvement, in a personal capacity, around the situation in Afghanistan and that he attended a dedication for fallen Police officers in the UK & British Isles that was also attended by Prince Charles and the Prime Minister.
- 4.3 Commissioners Kearney reported on his involvement in writing a chapter of a book on the interface between religion and crime and criminal justice with Ulster university and Charles Sturt University, Australia.

5. Chief Executive Report

- 5.1 The Chief Executive reported on recruitment with two staff members due to leave in September. These are Policy and Research Officers, and the recruitment exercise will begin in the coming weeks to fill these posts.
- 5.2 The Chief Executive reported on a Comprehensive Spending Review submission required by the NIO that was submitted during August.

- 5.3 The Chief Executive reported on the Quarterly Report against the Business Plan. This included a breakdown of the work to date.

6. Finance Report

- 6.1 The Director (Finance, Personnel and Corporate Affairs) presented the financial reports for Core and Dedicated Mechanism expenditure for July 2021.

7. Communications Report

- 7.1 The Director (Communications, Information and Education, Public and Political Affairs) presented Commissioners with the results of the Cognisense survey. Commissioners discussed the findings of the report.
- 7.2 The Director (Communications, Information and Education, Public and Political Affairs) presented Commissioner with the draft Strategic Plan internal working paper. Commissioners agreed the process for the Strategic Plan and work is to begin on stakeholder roundtables.

8. Legal Functions and Applications for Assistance

- 8.1 The Director (Legal, Research and Investigations, and Advice to Government) updated Commissioners the McL case on entitlement of unmarried partners to bereavement benefits (Government failure to provide remedy following UKSC judgement pending remedial order). The DWP has now agreed to issue a remedial order with a timeline to complete by Spring 2022. Any awards for bereavement benefits will only be made retrospective to the date of the Supreme Court the date of McL's original claim.
- 8.2 It was agreed to confine support to the payment to McL to the date of the claim in the response to the Joint Committee of Human Rights review of the Remedial Order and to and to make representations to DWP and DoC.

9. Review of advice clinic paper

9.1 The Director (Legal, Research and Investigations, and Advice to Government) provided the background to the working of the advice clinic. It was proposed that the advice clinic would continue as it is currently functioning with a review within six months of all staff returning to the office or within 12 months, whichever occurs first.

Action: A review of advice clinic to take place.

10. Application for intervention on SPUC2 Case

10.1 The Director (Legal, Research and Investigations, and Advice to Government) gave a background to the SPUC2 application for intervention which is closely related to the current application from SPUC and will challenge the Direction issued by the Secretary of State alongside regulations. The recommendation was to intervene in the additional legal challenge given the relationship between the two applications.

10.2 Commissioners agreed to intervene on SPUC 2. Commissioner Kearney outlined he understood the rationale for such an approach while maintaining his reservations on grounds of personal conscience.

11. Relationship and Sexual Education (RSE) investigation – terms of reference

11.1 Commissioners were provided with a draft terms of reference for the investigation due to commence in autumn 2021.

11.2 Commissioners agreed to the terms of reference and commencement of work.

12. Dedicated Mechanism

12.1 The Head of Service (Dedicated Mechanism) provided

Commissioners with an update on the work of the Dedicated Mechanism and meetings that have taken place since the last meeting included a forthcoming meeting with Maroš Šefčovič with the Equality Commission.

13. Any Other Business

13.1 The Chief Commissioner updated Commissioners on a joint letter from the UK Human Rights Commission on the safe passage of human rights defenders from Afghanistan.

13.2 The Commissioners and staff expressed a deep appreciation to Les Allamby as his tenure as Chief Commissioner comes to an end. The Commissioners and staff extend our thanks to Les for his passion and leadership over the past seven years and wish him well for the future.

The meeting closed at 15:20pm.