



30 May 2023

256th COMMISSION MEETING

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

Present: Eddie Rooney, Acting Chair
Helen Henderson
Jonathan Kearney
David Lavery
Stephen White

In attendance: David Russell, 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) (Agenda Items 1-9 and 11-12)
Michael Black, Solicitor (Legal and Research Officer)
(Agenda Item 6)
Lisa Wilson, Senior Engagement and Communications
Officer (Agenda Item 10)
Conor Boyle, Engagement and Communications Officer
(Agenda Item 10)
Claire McCann, Senior Policy and Research Officer
(Agenda Items 11 and 12)
Hannah Russell, Senior Policy and Research Officer
(Agenda Items 13 and 14)

1. Apologies and Declarations of Interest

- 1.1 Apologies were received from the Chief Commissioner, Commissioner Kouame and the Boardroom Apprentice.
- 1.2 Commissioner Lavery declared that he had been co-opted on to the Legacy Subgroup of Co-Operation Ireland.

2. Minutes of the 255th Commission meeting

- 2.1 The minutes of the 255th Commission meeting held on 24 April 2023 were agreed as an accurate record.

Action: Minutes of the 255th Commission meeting to be uploaded to the website.

3. Chief Commissioner's Report

- 3.1 The Chief Commissioner's Report was noted.

4. Commissioners' Report

- 4.1 Commissioner Henderson provided an update on the recent joint IMNI Forum meeting with the Equality Commission NI. It was agreed to put IMNI on the agenda twice a year to allow for a full update on Forum discussions.

Action: IMNI update to be an agenda item twice a year.

- 4.2 Commissioner Rooney reported that he had attended an event hosted by the Grand Orange Lodge. Mr Mervyn Gibson gave a very interesting address on human rights and how important it was for the wider community to understand human rights.
- 4.3 Commissioner Rooney reported on the recent Audit and Risk Management Committee meeting held on 10 May 2023. Discussions included the recent internal audit on Corporate Risk Management and the Follow-up of outstanding recommendations from the prior year, both of which received a satisfactory rating. There was also a discussion on funding uncertainties.

5. Legal Functions Report

- 5.1 The Director (Legal Services) provided an update on:
- NM (Access to MoD pension): Judicial Review papers have been lodged and a leave hearing will hopefully take place in September/October 2023.
 - Retrospective Anonymity in an Employment Tribunal Decision: Papers to be lodged by 16 June with hearing scheduled for 22/22 June 2023.
 - Miscarriage of Justice Compensation: application due on 16 June with hearing scheduled for 5 July 2023.
 - SPUC: Judgement has been received and the Commission has 28 days to lodge an appeal against the decision.
 - Housing (Challenge to NIHE policy on intimidation points): Counsel is currently drafting the Affidavit.

6. Applications for Assistance

- 6.1 The Director (Legal Services) provided an overview of the application for assistance for JR123 appeal to the UK Supreme Court.
- 6.2 Commissioners considered whether to support an appeal to the UK Supreme Court of the recent decision of the Court of Appeal in reversing the conclusion of the High Court that Article 6(1) of the 1978 Order was incompatible with Article 8 ECHR. Commissioners agreed to appeal to the UK Supreme Court as the application met the criteria set in the legal processes policy.

Action: JR123 Appeal to be made to the UK Supreme Court

- 6.3 The Solicitor (Legal and Research Officer) presented the application for assistance regarding settlement under the European Union Settlement Scheme (EUSS).
- 6.4 Commissioners considered the application against the criteria and agreed that in the first instance, opinion should be sought from Counsel.

Action: Counsel opinion to be sought for EUSS

7. Chief Executive's Report

- 7.1 The Chief Executive provided an update on the independent review that was concluded in December 2022. Fortnightly meetings were now taking place with the NIO to progress the recommendations. A business case for additional in-year funding was with HM Treasury for consideration, which if approved would help the funding situation in the short-term.
- 7.2 It was noted that the Business Plan for 2023-24 could not be completed until the outcome of the bid was confirmed, as the Plan would require changes to be made if there was no additional funding in-year.

8. KPI Report

- 8.1 As part of the independent review a recommendation was made that the Commission must improve its performance management. The Chief Executive presented a draft Key Performance Indicators Framework (KPI) for consideration and approval by Commissioners. A reporting template was being developed which would sit alongside the Framework and replace the quarterly reports against the Business Plan currently delivered to Commission board and Audit and Risk Management Committee meetings.

- 8.2 Commissioners approved the Framework and agreed to forward any further feedback to the Chief Executive. It was agreed that the document could be shared with the NIO.

Action: Commissioners to forward any further feedback on the KPI Framework to the Chief Executive.

Chief Executive to share Framework with the NIO.

- 8.3 It was noted that the Chief Executive will provide a draft of the reporting template to the next Commission meeting.

Action: Chief Executive to provide draft reporting template at next Commission meeting.

9. Finance Report

- 9.1 Commissioners noted the Finance Report and the projected expenditure to the end of the financial year.
- 9.2 The Director (Finance, Personnel and Corporate Affairs) confirmed that the draft Annual Report and Accounts for 2022/23 had been completed and the external audit was currently taking place. At present the total net operating expenditure for Core and the Dedicated Mechanism is £2,477k against a budget of £2,464k. It was noted that the net operating expenditure included staff and operating costs, accruals, prepayments and cost of untaken leave and may be subject to change following completion of the external audit.

10. Engagement and Communications Update and DM Campaign

- 10.1 The Director (Engagement and Communications) provided an update on Engagement and Communications, including:
- Provided a Fact Sheet to stakeholders on the legal action on the Rehabilitation of Offenders in Northern Ireland (JR123)
 - Updated the Fact Sheet for SPUC
 - Engagement with Schools and Universities
 - Awaiting the outcome of a grant submission to ENNHRI on Business and Human Rights Index
 - Successfully obtained A and AA certification from the Disability Accessibility Centre for the Commission's website
 - Gillian Triggs, Assistant Secretary-General, Assistant High Commissioner for Protection from the Office of the UN High Commissioner for Refugees has been agreed as the keynote speaker for the Annual Lecture
 - Decision to deactivate the Commission's Instagram account which will be kept under review.
- 10.2 It was noted that the Engagement and Communications team will be proactively engaging on the Investigation Report:

Relationship and Sex Education in post primary schools in Northern Ireland: A compelling case for reform, due to be launched on 12 June 2023. A Fact Sheet is also being prepared.

10.3 The Senior Engagement and Communications Officer and Engagement and Communications Officer provided an update on the recent Dedicated Mechanism Campaign which included billboard advertising in a number of council areas as well as promotion through social media platforms.

11. Dedicated Mechanism Functions Report

11.1 The Director (Human Rights after EU Withdrawal) provided an update on the work of the Dedicated Mechanism including:

- A further briefing on the Illegal Migration Bill had been circulated and published and work on this is ongoing.
- The Retained EU Law Bill report stage has been completed and two amendments re-tabled in line with the Commission's advice.
- Amendments may be proposed to the Legacy Bill but no advance indication that they will address Article 2 concerns.
- The research on Frontier Workers and their families; and the Asylum research is under review.

11.2 The Director (Human Rights after EU Withdrawal) confirmed that there were no further updates on the Mears Judgement.

12. Dedicated Mechanism Annual Report

12.1 The Senior Policy and Research Officer presented the draft of the second joint annual report of the Commission and the Equality Commission NI (ECNI). The report covered the work completed both jointly and separately from 1 April 2022 to 31 March 2023.

12.2 Commissioners noted that the draft was also with ECNI

Commissioners for approval and was still subject to proofing and minor amendments.

12.3 Commissioners approved the Annual Report and congratulated the team.

12.4 The Annual Report is due to be launched end of June, start of July.

13. Policy Functions Report

13.1 The Director (Advice to Government, Research and Investigations) provided an update on consultations, legislation and international reporting which included:

- The Northern Ireland Office, Northern Ireland Troubles (Legacy and Reconciliation) Bill report stage is scheduled for 23 June 2023.
- The Ministry of Justice, Bill of Rights Bill – keeping a watching brief.
- The Executive Office, Review of the Race Relations (NI) Order 1997.
- Submission on the Education Authority NI’s Plan of Arrangements for Special Educational Provision Consultation.
- Staff attended remotely the Convention on the Rights of the Child examination.
- Follow up to the CEDAW Committee Inquiry scheduled for August 2023.
- Attendance at the Convention on the Rights of Persons with Disabilities Inquiry in August 2023.

14. Annual Statement

14.1 The Senior Policy and Research Officer presented a paper on the new, red, and green issues for the Annual Statement 2023.

14.2 Commissioners agreed the red issues and noted that there was still time to change the status to amber or green, if

required.

- 14.3 Commissioners agreed to remove the green issue of defamation from the Annual Statement, as there was no known regression in-year.

15. Any other Business

- 15.1 The Commission was waiting on an update from the NIO regarding the appointment / reappointment of five of the part-time Commissioners, whose appointments were due to end on 31 August 2023.

The meeting closed at 1.15pm