



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

12 December 2019

Minutes of the Audit and Risk Management Committee

Present: Joe McKnight, Chairperson
Helen Ferguson (until 11:45am)
Eddie Rooney

In Attendance: David Russell, Chief Executive
Lorraine Hamill, Director (Finance, Personnel and Corporate Affairs)
Rebecca Magee, Personal Assistant (minutes)
Claire Martin, Director (Communications, Information and Education, Public and Political Affairs)
Jonathan McNeill, Ernst Young
Anthony McKibbin, Grant Thornton
Anna Wojtal, National Audit Office (NAO) (by telephone)
Ruth Logan, Ernst Young (by telephone)
Julia Stella, Boardroom Apprentice

1. Welcome and Apologies

- 1.1 The Chairperson welcomed everyone to the meeting.
- 1.2 Apologies were received from Graham Shields (Commissioner), Mark Lawther (Ernst Young), Paul Keane (NAO), Tim Johnston (NIO), Hannah Russell (NIHRC).

2. Declarations of Interest

2.1 No declarations of interest were declared.

3. Chairman's Business

3.1 The Chairman reported that he had reviewed an appeal relating to unreasonable behaviour by a member of the public. The appeal had been completed, and he confirmed that he had upheld the original decision made by the Chief Executive.

4. Minutes of the meeting held on 23 September 2019

4.1 The minutes of the Audit and Risk Management Committee meeting held on 23 September 2019 were agreed as an accurate record.

5. Matters arising from 23 September

5.1 The move to Account NI is ongoing. Following a meeting with the NIO it is hopeful that Account NI will be up and running in January 2020. The Committee agreed that it would relieve pressure if the move was extended to 1 April 2020 (item 5.1 of the September minutes refers).

Action: Move to Account NI to be deferred until 1 April 2020.

5.2 Following the recent meeting of the Independent Mechanism, staff are now working on the practicalities of people with disabilities attending those meetings. They agreed that an advisory group would be created and that reasonable costs would be covered. This will be signed off jointly by the NIHRC and ECNI boards.

5.3 The risk relating to the appointment/re-appointments of the Chief Commissioner and Commissioners is dealt with under a closed minute (item 5.4 of the September minutes refers).

- 5.4 The report on the GDPR audit has been received and the recommendations are being rolled out (item 5.4 of the September minutes refers).
- 5.5 Grant Thornton reported that travel and subsistence costs relating to speakers for events are not required to be recorded on the Gifts and Hospitality Register (item 5.5 of the September minutes refers).
- 5.6 Training on the Managing Unacceptable Behaviour from Members of the Public policy is still being sourced. A meeting with the potential provider is being arranged (item 5.6 of the September minutes refers).

Action: Meeting with provider to be arranged.

6. Director (finance, Personnel & Corporate Affairs) Report:

- **Financial Expenditure as at 30 November 2019:**

- 6.1 The Director provided an overview of the financial report to 30 November 2019.
- 6.2 The Director reported that the Commission has still not received formal confirmation from NIO of the budget for 2019-20. An email was received yesterday and the NIO have stated that they are in the process of drafting the formal letter on the budget.
- 6.3 The Committee noted that the Business Plan for 2019-20 had still not been published due to the lack of formal confirmation of the budget.
- 6.4 The Director reported that the Budget Build, which normally takes place in December, has been delayed until January or February 2020.
- 6.5 The Director reported on the Internal Audit and confirmed that Grant Thornton have been reappointed from 20 December 2019. Planning has commenced for audits due to

take place in the next calendar year.

- **High Value Purchases as at 30 November 2019:**

6.6 The Committee noted and discussed the High Value Purchases to 30 November 2019. It was noted that two single tender actions had taken place with providers who were specialists in those areas.

- **Freedom of Information Act Requests:**

6.7 The Director (Communications, Information and Education, Public and Political Affairs) reported on the Freedom of Information requests.

6.8 The Director highlighted an individual, who sends 2-3 requests a day. The individual was issued with a refusal notice (section 17.6 of the legislation) following guidance issued by the Information Commissioner's Office. It was agreed that, where applicable, a response to the individual would include reference to section 17.6 of the legislation, and that each request would continue to be read and dealt with appropriately.

- **Absences Statistics as at 30 November 2019:**

6.9 The absence statistics as at 30 November 2019 were reviewed.

- **Other issues:**

6.10 The Chief Executive reported on personnel issues, including the recent recruitment for a Policy Assistant, Director (Legal, Research and Investigations, and Advice to Government), Director (Legal, Research and Investigations, and Advice to Government) Maternity Cover.

6.11 The Chief Executive reported on upcoming recruitment for a Senior Legal and Research Officer, which will take place in the new year. In the interim, a conversation is taking place with the Departmental Solicitor's Office to provide cover.

- 6.12 The Director reported that the NIO had approved the Commission's Business Case for the move to new premises. The Crown Solicitors Office have been instructed to finalise Head of Terms and the lease. It was estimated that the fit-out would take approximately 12 weeks.
- 6.13 The Chief Executive updated the Committee on the request for an independent review of the Commission's resources. It was reported that the NIO have agreed in principle at official level.
- 6.14 The Director reported on one Subject Access request, which had been received in relation to information retained on the Commission's legal database. The relevant information had been provided.
- 6.15 The Director reported that the closing date for comments on the Equality Scheme and Disability Action Plan is the first week in December.
- 6.16 The Chief Executive reported on an issue relating to public life where comments of a personal nature were made towards a staff member. This has been addressed with the person involved.
- 6.17 The Chief Executive updated the Committee on ongoing talks regarding Brexit and the joint mechanism. The Committee was also updated on ongoing talks with the Fundamental Rights Agency.

7. Internal Audit Update:

- Organisational Remuneration Benchmarking (*Rebecca Magee and Julia Stella left the meeting*):

7.1 This item was dealt with under a closed minute.
- Review of Data Protection (GDPR) (*Rebecca Magee and Julia Stella re-joined the meeting*):

- 7.2 Grant Thornton reported on the GDPR audit review and reported that very strong progress had been made to assure compliance. It was recommended that an assurance piece should be done in one year's time.

8. National Audit Office Audit Planning Report 2019-20

- 8.1 The Committee discussed the Audit Planning Report on the 2019-20 Financial Statement Audit, and in particular the assessment of the risk of material misstatement to the financial statements and the audit plan to address those risks.
- 8.2 The Committee noted that the audit would also focus on the outcome of the Withdrawal Agreement / Brexit and the effect on the Commission; the outcome of the benchmarking exercise; staffing capacity; and the move to new accommodation.
- 8.3 Ernst Young would liaise with the Director (Finance, Personnel and Corporate Affairs) to confirm dates for the interim and final audit.

Action: Dates for the interim and final audits to be agreed after Christmas.

9. Corporate Risk Register 2019-20

- 9.1 The Chief Executive updated the Committee on the Corporate Risk Register, which included highlighting the current status of the 'red' risks, namely litigation and staff capacity which are recorded as critical.

10. Expenses of Chief Commissioner

- 10.1 The Committee reviewed and noted the expenses of the Chief Commissioner.

11. Stewardship Statement to NIO

11.1 The Director updated the Committee on the mid-year review of the Stewardship Statement, which has been provided to the NIO.

12. Corporate Policies

12.1 The Committee approved the following policies:

- NIHRC/ECNI Incident Reporting Protocol v1.0
- NIHRC/ECNI Access Control Policy v1.0
- NIHRC/ECNI Password Policy v1.0
- NIHRC/ECNI Clear Desk Policy Guidelines v1.0
- Freedom of Information Policy
- GDPR Privacy Notice for Employees, Workers and Contractors (UK)

13. Any other Business

13.1 Dates of the meetings for 2020 are to be shared.

Action: Director to share dates for 2020.

The meeting closed at 11:50.