

EQUALITY COMMISSION FOR NORTHERN IRELAND

TWO HUNDRED AND SEVENTH COMMISSION MEETING

HELD ON WEDNESDAY 22 NOVEMBER 2023 AT 1.30 PM

Geraldine McGahey	Chief Commissioner
Neil Anderson	Deputy Chief Commissioner (R)
Maureen Brunt	(R)
Lisa Caldwell	
Duane Farrell	(R)
Ellen Finlay	
Siobhan Cullen	(R)
Monica Fitzpatrick	(R)
Jarlath Kearney	(R)
Colin Kennedy	(R)
Stephen Mathews	
Carmel McKinney	(R)
Sheena McKinney	
John McCallister	
Preeti Yellamaty	(R)

APOLOGIES

Abena Aduse-Poku	Boardroom Apprentice
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IN ATTENDANCE

Amanda Logan	Chief Executive
Keith Brown	Head of Corporate Services
Louise Conlon	Director, Communications
Lisa King	Director, Research and Investigations
Roisin Mallon	Director, Dedicated Mechanism Unit
Jacqui McKee	Director, Advice and Compliance
Darren McKinstry	Director, Policy and Strategic Engagement
Glenda Doherty	Senior Policy Officer, DMU
Paul Noonan	Senior Policy Officer

Introductions

The Chair welcomed Commissioners to the Commission meeting and noted several Commissioners had indicated they would be joining

online on this occasion.

The Chief Commissioner apologised for the very late distribution of several papers. She advised that paper EC/23/10/09 re an application for assistance in respect to Article 2 was being withdrawn from the agenda as the legal opinion was still awaited. This would be considered separately by the Commission, when available.

The Chief Commissioner took the opportunity to wish Jarlath Kearney farewell as this was Jarlath's last Commission meeting. On behalf of all the Commissioners, she wished him luck in his future endeavours and expressed thanks for all the hard work and dedication he had shown to the Commission over the past seven years. She noted that Jarlath was attending the away day the following week so Commissioners would have the opportunity to wish Jarlath well then.

Jarlath thanked the Chief Commissioner and Commissioners for their kind comments and expressed best wishes to the Commission for the future.

**1. Minutes of the two hundred and sixth meeting held on Wednesday
25 October 2023** EC/23/10/01

The Minutes of the two hundred and sixth meeting held on Wednesday 25 October 2023 were **signed** as a true and accurate record.

2. Matters Arising

Page 3: *Illegal Migration Act 2023*: An opinion on this has been sought.

Away day: Commissioners were reminded that the away day was taking place the following week.

Legal funding budget: further to the Commissioner discussion a short update was being provided to Commission later in the meeting.

3. Conflict of Interests

Duane Farrell had previously declared an interest in respect to the CLC JR and he would leave when the Chief Commissioner updated on this matter.

Jarlath Kearney had previously declared an interest in relation to Paper EC/23/10/08. This item would move to the end of Agenda.

Both Commissioners would leave the meeting when these respective matters were discussed.

4. Policy Issues

- Measuring Equality in Northern Ireland

EC/23/10/02

Lisa King, Director, Research and Investigations presented the paper on Measuring Equality in Northern Ireland. The Director highlighted key data from findings detailed in the summary appendices. She explained that each complete area of life summary will be presented to Commission for discussion, over the course of six Commission meetings.

Commissioners commended this important piece of work which provided a very useful resource of baseline data on which the Commission could build on. It would provide a very useful resource for the next corporate planning process also. They would also be important for stakeholders to use in their work. The meeting discussed the gaps in data, particularly related to health and education, including those gaps highlighted during the Covid pandemic.

Commissioners considered and approved the approach to publish the summaries and reports of the findings and agree a Statement on Equality in Northern Ireland.

- Relationships and Sexuality Education: opt out provision. EC/23/10/03

Darren McKinstry, Director, Director, Policy and Strategic Engagement, outlined the proposals regarding the broad principles and outcomes to be considered when deciding on the circumstances in which a parent/carer may be able to withdraw their child from education on sexual and reproductive health and rights. This was in the context of an ongoing public consultation of the issue to which the Commission would be submitting a response.

[Duane Farrell left the meeting]

Commissioners broadly welcomed the approach being taken on this matter. They discussed the balance of rights noting the importance of rights of both parents and children being carefully balanced valued and respected. It was agreed that any guidance must be age appropriate and the best interests of the child must be foremost in the considerations. The important role of teacher training was also noted. It was agreed to consider the text in respect to these points.

Commissioners **approved** the broad positions outlined subject to

consideration of the above points.

- Article 2: Three Commission Report

EC/23/10/04

Glenda Doherty, Senior Policy Officer, DMU, outlined the draft IHREC, ECNI and NIHRC joint Annual Report 2022-2023. She highlighted the activities undertaken by the three Commissions in 2022-23 in providing oversight of, and reporting on, rights and equalities issues falling within the scope of the Article 2 Windsor Framework that have an island of Ireland dimension.

Commissioners **approved** the draft Annual Report and noted the proposed next steps.

- CRPD Inquiry - social protection: update

EC/23/10/05

Darren McKinstry, Director and Paul Noonan from Policy and Strategic Engagement Directorate provided an update following the formal Inquiry hearing held by the United Nations Committee on the Rights of Persons with Disabilities which followed up on its 2016 Inquiry into the UK. They also updated on correspondence and some follow up engagement with UK Ministers, the Head of the Civil Service, and relevant Permanent Secretaries.

Commissioners welcomed the approach taken including noting the importance of supporting disabled people and their representatives to give evidence directly to the Committee. They noted that there was often a lack of meaningful engagement between the government and disabled people.

They asked for an update in respect to progress towards adoption of a Disability Strategy for Northern Ireland and it was explained that good progress had been made but final approval needed an Executive in place. The meeting discussed the importance of a cross Departmental approach being taken to these Strategies going forward and the Chief Commissioner confirmed that she had raised this with the Head of the Civil Service. The declining access to health and social care provision was noted as having a particular impact on disabled people.

Commissioners **noted** the update.

[Carmel McKinney left the meeting]

5. Business Reporting

- Legal Services Report 1 April 2023 – 30 Sept 2023

EC/23/10/06

Eoin O'Neill, Director, Legal Services presented a report on the provision of

legal advice services from 1 April and 30 Sept 2023, outlining the work undertaken and the patterns and trends for the period. He provided an update on remedial action being undertaken in relation to the legal budget noting recent settlements which would have a positive impact on the legal budget.

Commissioners **noted** the report.

- Corporate Risk & Business Continuity Register:

EC/23/10/07

Keith Brown, Head of Corporate Services presented the amended risk assurance framework and updated Corporate Risk Register. The overall Framework is reviewed by the ARAC and the full Commission, normally in November. This had been considered by the ARAC in early November. He highlighted the new risk at CR1 and the amended rating of CR3, considering the legal assistance overspend. He updated Commissioners about the Supreme Court decision on overtime and holiday pay, which affected IT staff in particular. He advised that due to action already taken, this should have minimal impact on the 2023-24 budget and Accounts.

He noted other matters including data breaches and some minor health and safety matters.

Commissioners **approved** the amended Risk assurance framework, changes to the risk appetite statement and updated Corporate Risk Register, including changes to the overall risks and risk targets.

[Neil Anderson left the meeting]

6. Chief Commissioner's Business

EC/23/10/10

Commissioner Away Day

The Chief Commissioner advised that final details/papers will be issued for the Commissioner meeting on 29 November 2023 at Belfast Castle in due course.

Meetings/Engagements

The Chief Commissioner outlined the meetings/engagements she had attended since the last meeting, noting that she met with Alyson Kilpatrick, Commissioner, NIHRC.

The Chief Commissioner attended the celebration of 290 years of Toybox. In 2003, the Toybox programme was established in Northern Ireland with a

focus on Early Years values and family needs within the Traveller community. The initiative aimed to address inclusion and educational disadvantage within the Northern Ireland policy context, particularly for families with young children.

She attended the Diwali Festival celebrations at City Hall Belfast and attended a CLC roundtable event with Bragi Gudbrandsson Vice Chair UNC Rights of the Child. She attended the Public Sector Chairs' Forum.

Update on CLC JR

The Chief Commissioner provided a verbal update in relation to the CLC Judicial Review.

Commissioners **noted** the update from the Chief Commissioner.

7. Chief Executive's Report

EC/23/10/11

Amanda Logan, Chief Executive provided further detail to her report, in relation to TEO, she advised that she has asked for a meeting with Gareth Johnston, interim Permanent Secretary. She provided update in relation to budget/funding and provided update on recent business cases.

The Chief Executive updated on a number of meetings and engagements she attended since the last Commission meeting.

Commissioners **noted** the update.

8. Matters for Information

- DE consultation on guidance on the reduction and management of restrictive practices in educational settings EC/23/10/12
- Accounting Officer Assurance Statement EC/23/10/13

Commissioners noted the DE Consultation and the Accounting Officer Assurance Statement for information.

9. Minutes of Committee Meetings

- Minutes of the ARAC Committee held on Wednesday 6 September 2023. EC/23/10/14
- Minutes of the SDIC Committee meeting EC/23/10/15

held on Monday 25 September 2023.

Commissioners **noted** the minutes outlined above.

10. Other Matters for Commission Decision

[Jarlath Kearney left the meeting]

[Monica Fitzpatrick left the meeting]

[John McAlister left the meeting]

[Stephen Mathews left the meeting]

- Legal challenge to the Northern Ireland (Legacy and Reconciliation) Act 2023: Proposed Policy Positions

EC/23/10/08

Roisin Mallon, Director, DMU, updated Commissioners on developments in respect of the Commission's intervention in a number of judicial review applications, currently before the Northern Ireland High Court. She noted Counsel advices re whether the Legacy Act breaches WF Article 2 and noted a new policy position in relation to this.

Following discussion, Commissioners **approved** the new policy positions on the Legacy Act.

11. Any Other Business

None

12. **Date of next meeting:** Two Hundred and eighth Commission Meeting on **Wednesday, 24 January 2024, at 1.30 pm** in Equality House.

The meeting ended at 4.15 pm

Signed:



Date: 24 January 2024