

EQUALITY COMMISSION FOR NORTHERN IRELAND

202nd COMMISSION MEETING HELD ON WEDNESDAY 24 MAY 2023 AT 1.30 PM IN EQUALITY HOUSE

PRESENT

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

APOLOGIES

Harry Robinson	Boardroom Apprentice
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IN ATTENDANCE

Keith Brown	Interim Chief Executive
Louise Conlon	Director, Communications
Roisin Mallon	Director, Dedicated Mechanism Unit
Jacqui McKee	Director, Advice and Compliance
Darren McKinstry	Director, Policy and Strategic Engagement
Eoin O'Neill	Director, Legal Services
Kathryn Barr	Policy and Strategic Engagement
Glenda Doherty	Policy and Research Officer, DMU
Chris Jenkins	Policy and Strategic Engagement

1. Introductions

The Chief Commissioner welcomed everyone to the meeting.

2. Minutes of the two hundred and first meeting held on Wednesday 26 April 2023

EC/23/05/01

The minutes of the two hundred and first meeting held on Wednesday 26 April 2023 were **signed** as a true and accurate record.

3. Matters Arising

Page 2: Windsor Framework: The Commission's response was submitted and published on the House of Lords Sub-Committee's website on 17 May. –

4. Conflict of Interest

Maureen Brunt, Siobhan Cullen, Ellen Finlay, Duane Farrell and Colin Kennedy noted an interest in respect to the paper on NI budget decisions. These were noted but none were considered a conflict of interest.

5. Policy Issues

- Race Law Reform Recommendations

EC/23/05/02

Darren McKinstry and Kathryn Barr, Policy and Strategic Engagement, presented the updated draft Race Law Reform recommendations. These recommendations build on preliminary work and engagement with TEO officials responsible for the consultation. The paper included some new and expanded positions and recommendations, and several existing positions were retained. These positions would form the basis of the Commission's response to The Executive Office consultation on the Review of the Race Relations (NI) Order 1997. Engagement with relevant stakeholders was ongoing and stakeholders awaited the Commission's recommendations prior to responding to the consultation.

Commissioners welcomed the paper noting that it was a detailed piece of work, which would be beneficial to the TEO in its considerations and also to stakeholders who will be responding to the consultation. They discussed the issue of combined discrimination noting that this was missing from the TEO consultation. They considered it an important element to our consultation response, as in many cases, there were often layers of discrimination. It was noted that changes to the hate crime legislation had also been proposed by Department of Justice, following the independent review of hate crime

legislation carried out by Judge Marrinan. It was important that this was likely to progress quickly when there was a functioning Executive.

Following discussion, Commissioners **approved** the updated recommendations and proposed priorities on the approach to the consultation and proposed next steps.

- Impact of Brexit on minority ethnic and migrant people: Policy recommendations EC/23/05/03

Roisin Mallon, Director, DMU updated Commissioners on the proposed new policy positions and recommendations arising from the independent expert research paper on “The Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland”. A series of engagements were being undertaken at community level and a policy roundtable would take place on 8 June 2023. This work was being aligned with our engagement on our RRO response. The Chief Commissioner would be involved in many of these engagements. A press launch of the research report was also planned to coincide with the policy event.

Commissioners welcomed the engagement directly with minority ethnic people themselves, noting that it was important to hear firsthand about experiences of BAME people coming to live in Northern Ireland.

Commissioners **approved** the proposed new/updated policy recommendations as set out in the policy recommendations at Appendix B.

- Draft ECNI/NIHRC Annual Report 2022/23 on the implementation of Windsor Framework Article 2 EC/23/05/04

Glenda Doherty, Senior Policy and Research Officer, DMU presented the draft ECNI/NIHRC Annual Report 2022-23, on the implementation of Windsor Framework Article 2. This was also being considered by the NIHRC Board and once approved submitted to the Secretary of State and laid before Parliament. It would be launched in early July. In addition to engagement with Government and Departments, a number of wider engagement events were proposed.

The meeting discussed the importance of engagement and the potential for its impact, including seeking to take legal challenges and linking to the impact that was being made on people’s lives. The impact that was being made through engagement with parliamentary committees and the clerks who supported them was highlighted. It was agreed that an assessment of the impact of the recommendations from the 2021-22 report would be carried out by staff.

Commissions considered that it may be a useful time to review the current Memorandum Of Understanding, in the light of our experience over the past few years. There was a discussion on the wording in respect to the section on Resourcing the Commissions and it was agreed to liaise with NIHRC on the wording of the final draft.

Following discussion, Commissioners **approved** the draft Annual Report subject to the above discussion and agreement of amended wording.

- Section 75 Advice to Public Authorities on Budgets: EC/23/05/05
Briefing paper

Jacqui McKee, Director, Advice and Compliance, provided an overview of the Section 75 advisory work with Departments and other public bodies on the 2023-2024 budget which had taken place over the last month or so. It was noted that the Commission has written to Jayne Brady, Head of the NICS on 2 May 2023, setting out the Section 75 obligations placed on each of the Northern Ireland Departments and noting that it is important to comply at all times with the Section 75 duties.

Ms McKee provided an initial view on the content of the four consultations that had been published, noting that more detailed work would be necessary throughout the process. The Commission would be responding to each of these. Each response would include a letter from the Chief Commissioner to the relevant Permanent Secretary.

The meeting discussed the devastating impact of many of these budget proposals including on the third sector which now had many staff on protective notice. These organisations provide many vital services which do much to promote equality of opportunity for many groups of people including disabled people, women and young people. It was noted that this comes quickly after the devastating impact of loss of EU funding.

There was a discussion on the use of data as evidence in the consultations published to date and how this information is being used to inform proposed decisions and any mitigations. The importance of linking this work to our policy positions and the most up to date data on key inequalities was identified.

Ms McKee outlined the proposed next steps including dissemination of the Commission's responses to help inform others consultation responses.

Following discussion, Commissioners **noted** the paper and next steps.

6. Business Reporting

- Business Plan 2023/24: For approval EC/23/05/06

Keith Brown presented a revised costed Business Plan for 2023-24. Commissioners noted that an initial working draft had been presented at the January Commission meeting. He outlined the approach being taken in respect to categorising the business plan objectives based on the unfolding information about budget reductions and the uncertainty around the timing of the budget process and what additional funding, if any, could be made available.

A Commissioner noted that it was important to recognise the potential impact from our work around Article 2, particularly through the use of its enforcement powers.

[Jarlath Kearney left the meeting]

Commissioners discussed the approach considering the very difficult financial position the Commission was faced with. They raised a number of queries around the approach to colour coding of priorities. A number of suggestions were made that might make the Plan clearer and more measureable.

It was agreed that the Plan would be revised further in light of the comments received and presented again to the June meeting for approval.

- Legal Advice and Assistance Review 2022-23 EC/23/05/07

Eoin O'Neill, Director, Legal Services, presented the report on the provision of legal advice and assistance during 2022-2023.

Commissioners thanked the legal services staff for the very good support they give Legal Funding Commissioners.

Commissioners **noted** the work undertaken and the outcomes from legal advice and assistance activity during 2022-23.

- Risk Management and Corporate Risk Register EC/23/05/08

The Interim Chief Executive updated Commissioners on a number of important changes after consideration at the last Audit and Risk Assurance Committee meeting in May 2023. These changes related to increasing the residual risk appetite in relation to budgetary management

and removing the risk objective relating to Covid 19 impacts. Some of the risk factors here would be transferred to business continuity. Mr Brown also drew Commissioners attention to any changes to the emerging risks, incidents and near misses sections of the Corporate Risk and Business Continuity Register.

Following consideration, Commissioners **approved** the changes outlined above.

- ARAC Chair's Report to the Commission EC/23/05/09

The Chair outlined the Annual Report of the committee's work on behalf of the Commission during 2022/2023. He expressed thanks to the Interim Chief Executive and the staff team for all the work and support they had given to the Committee over the previous twelve months. He thanked his fellow Committee members for their work during the year.

The Commission noted the annual report from the Chair of the Audit and Risk Assurance Committee.

7. Other Matters for Commission Decision

8. Chief Commissioner's Business

Along with the Director, DMU, the Chief Commissioner spoke at the launch of the divergence of rights on the island of Ireland post Brexit in Dublin.

The Chief Commissioner attended a number of meetings and had a useful meeting with Ian Crozier Ulster Scots Agency and with the Police Ombudsman Marie Anderson. She hosted a meeting with the Austrian Ambassador, Michael Zimmerman and delegation and attended the University of Ulster Law Dinner on 4 May 2023.

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

9. Chief Executive's Report EC/23/05/10

Keith Brown, Interim Chief Executive referred to his previously circulated report including noting ongoing discussions with the TEO on the 2023/24 budget position at a recent Partnership meeting. He advised that the June monitoring round had been postponed. He drew attention to the progress

being made in a number of areas throughout the paper, including an invitation for the Commission to participate on the oversight committee of the Belfast City Deal.

Commissioners **noted** the update from the Interim Chief Executive's Report.

10. Matters for Information

- Consultation Response: Domestic and sexual abuse draft strategy EC/23/05/11

The impact of funding cuts to Women's Aid was noted and this would be drawn to the attention of the Director of Public Policy and Strategic Engagement.

Commissioners **noted** the above matter for information.

11. Minutes of Committee Meetings

- Minutes of the Audit Risk and Assurance Committee held on Wednesday 8 February 2023. EC/23/05/12

Commissioners **noted** the Minutes outlined above.

12. Any Other Business

Monica Fitzpatrick updated on EU Peace Plus Programme noting that it would shortly begin to consider funding bids and she would keep the Commission informed of progress.

13. **Date of next meeting:** Two Hundred and Third Commission Meeting on **Wednesday 28 June 2023, at 1.30 pm** – in person

The meeting ended at 16.15pm

Signed:



Date: 28 June 2023