

**EQUALITY COMMISSION FOR NORTHERN IRELAND****TWO HUNDRED AND SIXTH COMMISSION MEETING****HELD ON WEDNESDAY 25 OCTOBER 2023 AT 1.30 PM****PRESENT**

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

**APOLOGIES**

Preeti Yellamaty

Abena Aduse-Poku	Boardroom Apprentice
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**IN ATTENDANCE**

Amanda Logan	Chief Executive
Louise Conlon	Director, Communications
Glenda Doherty	Manager, DMU
Craig Gartley	Director Finance and Corporate Services
Lisa King	Director, Investigations and Research (R)
Roisin Mallon	Director, Dedicated Mechanism Unit
Jacqui McKee	Director, Advice and Compliance
Darren McKinstry	Director, Policy and Strategic Engagement (R)

## Introductions

The Chair welcomed everyone to the Commission meeting.

1. **Minutes of the two hundred and fifth meeting held on Wednesday 27 September 2023** EC/23/09/01

The Minutes of the two hundred and fifth meeting held on Wednesday 27 September 2023 were **signed** as a true and accurate record.

- Minutes of the special Commission Meeting held on Thursday 12 October 2023.** EC/23/09/02

The Minutes of the special meeting held on Thursday 12 October 2023 were **signed** as a true and accurate record.

## 2. Matters Arising

**Page 4: Budget NI 2023-24:** meeting reminded that the budget event was taking place the following day.

## 3. Conflict of Interests

## 4. Policy Issues

- Illegal Migration Act 2023: Update EC/23/09/03

Roisin Mallon, Director, DMU, updated Commissioners on developments since this matter was last discussed at the September Commission meeting. The hearing date had been set for 29 January 2023 and the UK Government's response to the Pre-Action Protocol letter had been received. The High Court had reached a decision in the case of Aman Angesom, which the Commission intervened in respect to Article 2. The paper provided detail on all these matters. The Director also updated the Commission on matters relating to the Northern Ireland Human Rights Commission intentions. The Director outlined the options for the Commission to consider.

Commissioners welcomed the update and agreed it was clear that a Commission intervention certainly had the potential to add value to the proceedings. The Director provided an indicative cost based on previous experiences.

Following discussion, Commissioners agreed that Counsel be instructed to give views on the PAP response and the Angesom decision and agreed that

the matter should then brought back to the Board again for a final decision on any agreed next steps.

Commissioners **noted** the update and the proposed next steps.

- Legacy Bill: update

Amanda Logan, Chief Executive, provided an update following on from discussions at the special Commission meeting regarding an intervention in respect to the Legacy Bill. She confirmed that the Commission had been granted leave to intervene on Article 2 matters. She explained that NIHRC were currently requesting leave to intervene on those Article 2 matters also and there would be further discussion with NIHRC regarding future legal interventions. The hearing was listed for later in November and the Commission would be preparing its submissions.

Commissioners **noted** the update and noted the intention for further discussions with NIHRC.

- Article 2 Awareness Survey: Qualitative Analysis EC/23/09/04

Glenda Doherty, DMU, provided a summary of the key qualitative findings from some of the questions contained in the recent public awareness survey on Article 2 of the Windsor Framework and the role and remit of the dedicated mechanism outlined at Appendix A.

The Commission welcomed this further analysis, noting that it provided interesting insights including on a perceived loss of rights or fear of erosion of rights among respondents. It was also noted that further to the Pivotal research report, there was a clear perception from respondents that Brexit has exacerbated racism and negative attitudes in Northern Ireland and had impacted on good relations generally. This work provided useful insights for the next corporate planning discussions and will also be used to help shape promotional and policy work going forward. Commissioners agreed that the paper provided useful background for the upcoming Commissioner strategic discussion.

Commissioners **noted** the results of the survey and the proposed next steps.

## 5. Business Reporting

- Finance Report: 1 April 2023 – 30 Sept 2023 EC/23/09/05

Craig Gartley presented the Quarter 2 Finance Report outlined the budgetary position as at 30 September 2023. He explained that halfway through the year, £2,863k, 46.0% of the total budget allocation had been spent. There was some

pressure on capital budgets and currently a slight overspend against forecast of £99k <4,2%> in the overall core budget and an underspend against forecast of £31k (7.2%) in the Dedicated Mechanism budget. A review of budget profiles was ongoing and remedial action would be taken. He anticipated that budgets will be brought into line by the year end. A bid for in year monitoring was currently being considered.

Commissioners queried if the overspend in the legal services budget was manageable and it was confirmed that this was being actively managed with discussions with legal staff ongoing. It was anticipated that it was manageable at this stage.

There was a query with respect to recruitment plans and the Director confirmed that there were plans for some limited recruitment before the year-end including the recruitment of a legal officer.

Commissioners **noted** the financial position as of 30 September 2023 and the proposed ongoing actions outlined.

- Progress Report: 1 April 2023 – 30 Sept 2023 EC/23/09/06

Commissioners considered and **noted** progress against Performance Measures for delivery of the Business Plan's Key actions. By the mid-point of the year, significant progress has been made in delivering 19 of the objectives and for ten, satisfactory progress was being made. Commissioners also noted that the plan was being delivered against the backdrop of budgetary constraint and the absence of an Executive and Assembly.

The meeting discussed the resourcing issues that meant that the one objective against which progress was less than planned, was unlikely to be achieved.

Jacqui McKee provided a short update on the work in respect to the removal of Teachers exception which included agreement of guidance for the education sector.

Commissioners **noted** the report.

- Communications Report: 1 April 2023 – 30 Sept 2023 EC/23/09/07

Louise Conlon, Director, Communications presented this report for the period. 1 April 2023 – 30 September 2023 and highlighted the work undertaken during the period. She noted that the communications team were currently preparing for the budget event the following day but would return its focus to the publication of legal settlements.

Commissioners **noted** the content of this Report.

## 6. Other Matters for Commission Decision

No matters discussed under this item.

## 7. Chief Commissioner's Business

EC/23/09/08

### - Dates of Committee/Commission Meetings 2024

EC/23/09/09

Commissioners were asked to note the final dates of Commission/Committee meetings 2024 which had been circulated with the papers.

The Chief Commissioner outlined the meetings/engagements she had attended since the last meeting. This included a meeting with SEN Reform NI, and Grainna Long, Chief Executive and Nicole Lappin, Chair of the NI Housing Executive. She had also met with Emma Shaw from Phoenix Education Centre.

On 10 and 11 October, along with the Chief Executive and the Director, DMU, she attended a number of meetings in Brussels. This included meeting a number of MEPs and hosting an event in the TEO offices in Brussels to raise awareness of Article 2 protections. She and the Chief Executive had attended a BBC reception which provided opportunity to meet their new independent board member and also to have a few words with the Secretary of State.

The Chief Commissioner undertook a media interview for Radio Ulster Evening Extra regarding race attacks in South Belfast.

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

## 8. Chief Executive's Report

EC/23/09/10

Amanda Logan, Chief Executive provided further detail to her report. This included providing an update in relation to the partnership arrangements with TEO. She had undertaken her first speaking event, as Chief Executive - a sex equality at work conference organised by the Commission in conjunction with PWC. It was a well-attended and enjoyable event.

The Chief Executive reported on a meeting with Noel Kelly regarding a Court of Appeal judgement re self-litigants. She attended the Equinet AGM which she found useful whilst in Brussels for the DMU event.

Commissioners **noted** the update.

## 9. Matters for Information

- Census 2021 Briefing Paper: Economic Activity by Section 75 grounds EC/23/09/11

Commissioners **noted** the Census 2021 briefing paper and proposed next steps.

## 10. Minutes of Committee Meetings

- Minutes of the Statutory Duty Investigations Committee held on Wednesday 21 June 2023 EC/23/09/12

Commissioners **noted** the SDIC minutes outlined above.

## 11. Any Other Business

None

- 12. **Date of next meeting:** Two Hundred and Seventh Commission Meeting on **Wednesday 22 November 2023, at 1.30 pm** – in person

**The meeting ended at 4.15 pm**

**Signed:**



**Date:** 22 November 2023