

**EQUALITY COMMISSION FOR NORTHERN IRELAND**  
**TWO HUNDRED AND TWELFTH COMMISSION MEETING**  
**HELD ON WEDNESDAY 22 MAY 2024 AT 1.30 PM**

|                    |                           |
|--------------------|---------------------------|
| Geraldine McGahey  | Chief Commissioner        |
| Neil Anderson      | Deputy Chief Commissioner |
| Maureen Brunt      | (R)                       |
| Siobhan Cullen     | (R)                       |
| Duane Farrell      |                           |
| Ellen Finlay       |                           |
| Monica Fitzpatrick |                           |
| Colin Kennedy      |                           |
| Stephen Mathews    | (R)                       |
| Jim McCooe         |                           |
| Sheena McKinney    | (R)                       |
| John McCallister   | (R)                       |
| Preeti Yellamaty   |                           |

**APOLOGIES**

Lisa Caldwell  
Carmel McKinney

**IN ATTENDANCE**

|                  |                                           |
|------------------|-------------------------------------------|
| Keith Brown      | Interim Chief Executive                   |
| Louise Conlon    | Director, Communications                  |
| Glenda Doherty   | Senior Policy & Research Officer, DMU     |
| Frances Fleming  | Communications Manager                    |
| Chris Jenkins    | Senior Public Policy & Engagement Officer |
| 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 |
| Eoin O'Neill     | Director, Legal Services                  |

**Introductions**

The Chair introduced and welcomed Commissioner, Jim McCooe to his first meeting.

## 1. Minutes of the two hundred and eleventh meeting held on Wednesday 24 April 2024

EC/24/05/01

The Minutes of the two hundred and eleventh meeting held on Wednesday 24 April 2024 were **signed** as a true and accurate record.

## 2. Matters Arising

**Page 2: Measuring Equality Next Steps**– Participation in Public Life data is being issued next week.

**Page 5: Fair Employment Monitoring Report:** is being prepared for publication with anticipated release first week of June.

## 3. Conflict of Interests

There were no conflicts declared.

## 4. Policy Issues

- Brand progression presentation

Frances Fleming, Communications Manager, presented Commissioners with the proposed new logo for the Commission and also gave Commissioners sight of the design of the new website.

The Director and Manager provided clarification regarding logo style and accessibility requirements. Commissioners responded very favourably to the proposed ECNI branding, with a minor amendment to the presentation of the double letter M's. Commissioners welcomed sight of the new website asking questions on journey planning, accessibility testing and imagery.

Commissioners **approved** the proposals for the proposed new ECNI branding.

- Measuring Equality: Standards of Living and Housing

EC/24/05/02

Lisa King, Director, Research, and Investigation presented this paper, noting the findings. It was explained that, given the consistency of the data over time, the Commission's policy positions in this area remain current.

Commissioners discussed the paper, noting that many of the findings reflected intractable inequalities with housing in Northern Ireland and noted the ongoing gaps in the data for the measures and outcome areas

identified. There was a query around some of the terms and it was explained that this was third party data and reflected the terms used by the third party. The lack of data around intersectionality issues including on homelessness and under 35's; people from LGBT and BME communities was also discussed. It was suggested that there were also several positive stories within the data that could be reflected in any narrative around this work.

Lisa King updated on discussions on The Executive Office equality data project and consideration being given to NISRA guidance for harmonising reporting standards for data.

Commissioners **noted** the report.

- SEN – Issues and outline Positions

EC/24/05/03

Darren McKinstry, Director and Chris Jenkins, Policy and Strategic Engagement, presented this paper which sought to consolidate a range of existing positions and further policy positions in relation to SEN. This work was being prioritised in the context of the ongoing pressure on places for SEN children across Northern Ireland.

Commissioners considered the paper in detail. It was suggested that it would be useful to get a better understanding why the number of SEN children are increasing year on year and whether for example, there was a socio-economic link or was improved procedures for diagnosis a factor.

There was a query on what engagement had taken place with stakeholders, who were very engaged and switched onto the issues and the factors contributing to them. It was noted that some engagement had taken place, and this was ongoing.

It was also noted that the document would benefit from examples of lived experience which would illustrate the real impact on SEN children and young people on the lack of provision. It was suggested that the issue of transitions at different stages of the educational journey needed to be highlighted more clearly in the document. Whilst there were some examples of good practice in agencies delivering services for SEN children, there was no doubt that silo working between agencies was also an ongoing issue and it was agreed to ensure that these issues were captured in the document.

Commissioners agreed the importance of the Children's Services Co-Operation Act (Northern Ireland) 2015 as an important mechanism for these cross-cutting issues which involved several Executive Departments and ALBs.

It was suggested that the lack of SEN provision at preschool level also needed to be drawn out further in the document.

Subject to further consideration of the above points. Commissioners **approved** the policy positions.

- Joint Annual Report 2023/2024

EC/24/05/04

Glenda Doherty, Senior Policy and Research Officer, DMU presented the draft ECNI/NIHRC Annual Report 2023-24, on the implementation of Windsor Framework Article 2. It was anticipated that this would be launched on 27 June 2024. The proposed policy recommendations in the document largely reflect existing Commission positions although there are several new/ updated policy recommendations which need considered and these are outlined in Appendix B of the document. The draft report is also being considered by the NIHRC Board and once approved, will be submitted to the Secretary of State and laid before Parliament in July.

There was a discussion on the lack of response from both the Secretary of State and the Executive Office to previous reports. It was suggested that they are legally required to respond, and the Commission should be robust in its follow up.

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

- Data Protection and Data Adequacy

EC/24/05/5

Roisin Mallon, Director, DMU explained that the Data Protection and Digital Information Bill was introduced into Parliament on 8th March 2023 and is due to be considered at Report stage in the House of Lords in due course.

The Director provided a summary of the proposed new positions on data protection rights in the context of Article 2 protections. The draft positions related to ensuring that UK/EU data adequacy agreements do not result in any diminution of rights post Brexit, contrary to WF Article 2. They will inform the Commission interventions as the Bill passes through the parliamentary process. They will also inform its response to a HL European Affairs Committee inquiry into data adequacy and its implications for the UK-EU relationship.

She explained that the Commission had already raised initial concerns that some of the changes proposed may result in a diminution of data protection rights in Northern Ireland and potentially breach WF Article 2 in its

submission to the House of Lords in March 2024.

Commissioners agreed that it was important not to look at this Bill in isolation and ensure it assesses all related Bills and the consequences for Northern Ireland in the round.

Following discussion, Commissioners **approved** the proposed new policy positions.

- Safety of Rwanda Bill

EC/24/05/06

Roisin Mallon, Director, DMU outlined the five potential options in terms of possible next steps by the Commission in relation to a legal challenge to the Safety of Rwanda (Asylum and Immigration) Act 2024 (SRA) on grounds that it breaches Article 2 of the Windsor Framework. She outlined the timetable for intervention. She also advised that NIHRC Board were discussing the matter the following week.

Commissioners carefully considered each option, discussing the merits of each, potential costs, and risks, including the potential duplication of resources with the NIHRC and the importance of each organisation being mindful of its remit. It was important that any intervention by the Commission must add value and have a strategic benefit. Clarification was provided on the timetable including submission of a Pre Action-Protocol letter. It was suggested that the Memorandum of Understanding with NIHRC may need updated to deal with such issues.

Following discussion, Commissioners **agreed** that this issue was more closely aligned to the remit of the NIHRC and there was a potential to duplicate costs, it was agreed that the Commission should not proceed with legal action but should closely monitor the progress of any proceedings lodged by NIHRC and/or other parties challenging the provisions of the Act, if any.

## 5. Business Reporting

- Legal Advice and Assistance Review 2023-24

EC/24/05/07

Eoin O'Neill, Director, Legal Services presented the report on the provision of legal advice Services 2023-2024, outlining the work undertaken and the patterns and trends for the period.

Commissioners noted that the reference to restrictions on publicity in certain cases and suggested that this needed to be avoided, where possible.

Commissioners asked for some additional information about complaints arising from different sectors and possibly multiple complaints from the same employers.

Commissioners **noted** the work undertaken and the outcomes from legal advice and assistance activity during 2022-23. They asked the Director to pass on their thanks to legal staff who expertly guide Commissioners at Legal Funding Committee.

- Risk Management and Corporate Risk Register EC/24/05/08

Keith Brown, Interim Chief Executive, presented an updated Corporate Risk Register summarising the position for each of the key risks including in relation to budget. He pointed out new emerging risks on the Register. There had not been any incidents or near misses since the last meeting. He advised that internal audit provision was currently being tendered. The preparation of the Annual Report and Accounts was on track against the agreed timetable and there were no major issues being flagged in external audit at present.

The Committee **noted** the updated Corporate Risk Register

- ARAC Chair's Report to the Commission EC/24/05/09

Neil Anderson, Chair ARAC, presented the Annual Report of the Committee's work on behalf of the Commission during 2023/2024. 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.

## 6. Other Matters for Commission Decision

There were no matters for Commission decision.

## 7. Chief Commissioner's Business EC/24/03/07

The Chief Commissioner outlined the meetings/engagements she had attended since the April Commission meeting, including attendance at the NI Housing Rights lunch with the EU Rapporteur and a meeting with the Northern Ireland public Service Ombudsman – Regulation and Oversight in May.

She had been engaged with the recruitment of a new Chief Executive with first interviews expected in late May.

The Chief Commissioner provided update on recent media re Bowen v Telefonica.

Commissioners **noted** the Chief Commissioners Report.

## 8. Chief Executive's Report

EC/24/03/08

Keith Brown, Interim Chief Executive provided further detail to his report, including updating on the indicative budget and the impact of staff costs given the recent pay settlement.

Commissioners **noted** the Chief Executive's update.

## 9. Matters for Information

- TEO Assurance Statement Q4 EC/24/05/11
- Performance Report Q4 EC/24/05/12

Commissioners **noted** the matters outlined above for information.

## 10. Minutes of Committee Meetings

- Minutes of the Statutory Duty Investigations Committee held on 7 February 2024. EC/24/05/13
- Minutes of the Statutory Duty Investigations Committee held on 21 February 2024. EC/24/05/14
- Minutes of the Audit and Risk Assurance Committee held on 17 January 2024. EC/24/05/15
- Three Commissions Board Meeting 6 December 2024 EC/24/05/16

Commissioners **noted** the Minutes of the meetings outlined above for information.

**11. Any Other Business**

There was no other business to discuss.

- 12. Date of next meeting:** Two Hundred and thirteenth Commission Meeting on **Wednesday, 26 June 2024, at 1.30 pm** in Equality House.

**The meeting ended at 5.20 pm**

**Signed:**



**Date:** 26 June 2024