

EQUALITY COMMISSION FOR NORTHERN IRELAND

TWO HUNDRED AND EIGHTH COMMISSION MEETING

HELD ON WEDNESDAY 24 JANUARY 2024 AT 1.30 PM

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

APOLOGIES

Siobhan Cullen
Duane Farrell

IN ATTENDANCE

Amanda Logan	Chief Executive
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
Eoin O'Neill	Director, Legal Services
Glenda Doherty	Senior Policy Officer, DMU
Chris Jenkins	Senior Policy Officer, Policy and Strategic Engagement
Abena Aduse-Poku	Boardroom Apprentice

Introductions

The Chair welcomed Commissioners to the meeting and to those joining online.

The Chief Commissioner advised that update on the JR would be given under the Chief Commissioner's Business.

1. **Minutes of the two hundred and seventh meeting held on Wednesday 22 November 2023** EC/24/10/01

The Minutes of the two hundred and seventh meeting held on Wednesday 22 November 2023 were **signed** as a true and accurate record.

2. **Matters Arising**

Page 4: Article 2 Three Commission Annual Report 2022/23: Report was published on 5 December 2023.

3. **Conflict of Interests**

No conflicts of interests were declared.

4. **Policy Issues**

- Tracking and monitoring UKG response to ECNI recommendations in the 2021/22 AR on Art 2 EC/24/01/02

Glenda Doherty, Senior Policy Officer, presented this paper which detailed progress on delivery of the recommendations from the joint ECNI/NIHRC Annual Report 2021-2022. This showed that 8 recommendations had been progressed, 25 recommendations had been partially progressed and 27 recommendations had not been progressed. The Annual Report 2022/23 had been sent to both the Secretary of State and the Executive Office and responses were awaited. The Commission would continue to raise these recommendations with relevant government officials, Ministers, and others to secure adoption.

Commissioners discussed the paper, noting the response to date has been a mixed bag and was best described as pedestrian. There was ongoing engagement with Committee clerks following on from the recent Westminster engagement and this was encouraging.

Commissioners **noted** the update paper.

- Relationships and Sexuality Education: opt out provision. EC/24/01/03

Darren McKinstry, Director and Chris Jenkins, Senior Policy Officer, presented this paper which updated Commissioners following their consideration of the matter in November 2023. The final consultation response was provided in an annex to the update. It was explained that the Departmental guidance was published in late December and the circumstances in which a pupil may be excused from RSE, or a specified element of that education was explained. Consideration will now be given to the detail of the DE guidance and what further engagement is necessary with the Department of Education.

Commissioners noted the very short space between the close of the consultation and the publication of the guidance. It was noted that consideration was being given to the application of the Department's Section 75 commitments. Following, a query it was noted that the guidance broadly mirrors the guidance in the rest of the UK and further consideration would be given to whether it reflects the required international standards. There was discussion on the role of CCEA in implementing the guidance and on the importance of teacher training.

Commissioners **noted** the update and the Consultation response (Annex 1) and public policy position paper (Annex 2).

5. Business Reporting

- Draft Business Plan 2024/25 EC/24/01/04

Amanda Logan, Chief Executive presented the working draft Business Plan for 2024-25, noting that this is the final plan which will be completed under the Corporate Plan 2022 – 2025. She advised that as the Commission has not yet been provided with any indicative figures for the 2024/25 opening budget, when these are available, a reconsideration of the actions identified may also be required. Planning is ongoing and some of the current areas may change or need to be removed. She ran through the detail of the Plan.

Commissioners asked for amendments in relation to the importance of putting resource to the work to mark 25 years of the Commission (Strategic Area 1). The Director of Communication provided a bit more detail on the current thinking in relation to this including the upcoming conference on Women in Northern Ireland. It was noted that more detail on this would be included in the final plan when it was clearer what resources were available.

In Strategic Area 2, a wording change in relation to legal cases was suggested and this would read “a strategic review of casework”. It was also suggested alongside a legal panel, panels of financial and medical experts should be established. The Plan would be amended to reflect this request.

In Strategic Area 3, it was important that Government Departments were cited as a key stakeholder.

In relation to SA5, there was a query on whether what is detailed in relation to a SEN review was adequate. An increase in SEN enquiries to the Commission was noted. Commissioners agreed that any input from the Commission must add value and should be careful not to duplicate work already done by others such as NICCY.

In Strategic Area 6, Commissioners were not keen on the point on additional funding noting that it was for Government to fund the Commission. Although, they agreed that it important that the Commission found co design projects and collaborated with others were possible.

Following consideration of these suggestions, Commissioners **approved** the working draft Business Plan for submission to TEO by 31 January 2023.

- Finance Report: 1 April 2023 – 31 Dec 2023 EC/24/01/05

Craig Gartley presented the Q3 Finance Report and budgetary position as at 31 December 2023. He updated on developments since the report had been presented at the October Commission meeting, noting the successful outcome of a Winter Monitoring exercise which will mitigate the risk on the potential overspending of the legal assistance budget. At this point in the year, 70% of the programme budget had been utilised and it was anticipated that all areas of expenditure will be utilised across the projects, including the extra allocation. He noted that the issue of dilapidations had also been successfully resolved.

Commissioners noted several business cases had been approved and these capital budgets would be progressing.

Commissioners **noted** the financial position as at 31 December 2023 and the proposed ongoing actions outlined.

- Progress Report EC/24/01/06

Amanda Logan, Chief Executive outlined the progress contained in the Business Plan against the 30 objectives. By 31 December, significant Progress had been made in delivering 20 of the objectives and for eight,

satisfactory progress was being made. At this stage of the year, there are two objectives against which progress was substantially less than planned and she provided detail in relation these.

Commissioners **noted** the progress against Performance Measures for delivery of the Business Plan's Key actions.

- Communications Report: 1 April 2023 – 31 Dec 2023 EC/24/01/07

Louise Conlon, Director, Communications presented this report for the period. 1 April 2023 – 31 December 2023 and highlighted the work undertaken during the period. She advised that work on the Commissions new website was progressing, and an overview of the project timescale was included at the end of the report.

Commissioners **noted** the Communications Report 1 April 2023 – 31 December 2023.

6. Other Matters for Commission Decision

- Audit and Risk Committee: Terms of Reference EC/24/01/08

Neil Anderson, Chair of the ARAC, presented the TOR which are reviewed annually. They were most recently reviewed and presented to the ARAC Committee in January 2024.

Commissioners noted that no substantive changes have been made to the current draft. The work programme has been updated.

Commissioners **approved** the ARAC Terms of Reference and work programme for 2024/25.

7. Chief Commissioner's Business EC/24/01/09

CLC JR Update

Eoin O'Neill provided update in relation the Judicial Review following the recent leave hearing. A date for the substantive hearing would be set in due course.

Commissioners **noted** the latest update.

Meetings/Engagements

The Chief Commissioner outlined the meetings/engagements she had attended since the November Commission meeting, noting that both she and the Chief Executive attended several meetings in Westminster, including with Lord Jay, Chair of the Windsor Framework Sub Committee, Lord Dubs, Hilary Ben, Shadow Secretary and Caroline Nokes, Chair of the Women and Equalities Committee.

The Chief Commissioner, along with the Chief Executive and other Commissioners, attended the Three Board Commission Meeting in Dublin. She attended the Joint Secretaries of the British-Irish Intergovernmental Secretariat Christmas Reception and attended the Commission's Making it Work Seminar at Belfast Castle.

Commissioners **noted** the Chief Commissioners Report.

8. Chief Executive's Report

EC/24/01/10

Amanda Logan, Chief Executive provided further detail to her report. This included providing an update on her recent engagement with TEO on several issues including funding.

The meeting discussed the status of the various draft Executive strategies.

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

9. Matters for Information

- TEO Assurance Statement Q3 EC/24/01/11
- Performance Report Q3 EC/24/01/12
- Submission of the ECNI to the House of Lords Sub Committee on the Windsor Framework's call for evidence for its inquiry on regulatory divergence and the Windsor Framework. EC/24/01/13
- Response to the NIO consultation: Update of the Code of Practice for the Authorisation and Exercise of Stop and search Powers relating to the Terrorism Act 2000. EC/24/01/14

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

10. Minutes of Committee Meetings

- Minutes of the ARAC Committee EC/24/01/15

held on Wednesday 8 November 2023.

- Minutes of the IMNI Joint Committee meeting held on 16 May 2023.

EC/24/01/16

Commissioners **noted** the minutes outlined above.

11. Any Other Business

The Chief Commissioner advised that Duane Farrell had asked her to note that he would like the Commission to consider its position in relation to transgender issues and noted that further training for Commissioners needed to be considered. Commissioners agreed with this sentiment and officers would consider how to progress this request.

12. **Date of next meeting:** Two Hundred and ninth Commission Meeting on **Wednesday, 28 February 2024, at 1.30 pm** in Equality House.

The meeting ended at 4.15 pm

Signed:



Date: 28 February 2024