

**EQUALITY COMMISSION FOR NORTHERN IRELAND****TWO HUNDRED AND ELEVENTH COMMISSION MEETING****HELD ON WEDNESDAY 24 APRIL 2024 AT 1.30 PM**

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

**APOLOGIES**

Duane Farrell

**IN ATTENDANCE**

Keith Brown	Interim Chief Executive
Louise Conlon	Director, Communications
Simon Hookham	Senior Research 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 welcomed Commissioners to the meeting noting that several Commissioners had joined online this month.

### 1. Minutes of the two hundred and tenth meeting held on Wednesday 27 March 2024

EC/24/04/01

The Minutes of the two hundred and tenth meeting held on Wednesday 27 March 2024 were **signed** as a true and accurate record.

### Minutes of special Commission held on 16 April 2024

The minutes of this special Commission meeting in respect to an intervention in the Judicial Review in respect of the Legacy Act had been tabled.

Commissioners approved these minutes, and they were **signed** as a true and accurate record.

### 2. Matters Arising

There were no matters arising not covered by the agenda.

### 3. Conflict of Interests

There were no conflicts declared.

### 4. Policy Issues

- Measuring Equality: Next steps

EC/24/04/02

Louise Conlon, Director, Communications outlined the proposed next steps following consideration of the Measuring Equality in Northern Ireland report and the data in respect to Participation in Public Life at the March Commission meeting.

Commissioners welcomed the update and **noted** the proposed timetable for release of the various elements of the project.

- Measuring Equality in Education

EC/24/04/03

Lisa King, Director, Research and Investigation presented this paper, outlining the context and areas for discussion in Measuring Equality in Education. She explained that the key messages will be framed by the

Commission's current policy positions with respect to education in respect to educational attainment and addressing bullying. The upcoming paper with respect to Special Educational Needs would also be an opportunity for alignment with the data.

Commissioners discussed the impact of the Covid pandemic on attainment levels and it was explained that whilst the pandemic had a unique impact on the attainment levels, the long-term trend remained the same. The lack of data in respect to bullying and its impact on equality groups was discussed the importance of the Commission continuing its engagement work in this area.

The meeting also discussed the use of Free School Meals as an indicator of social deprivation, noting that this was a rather crude measure. It was explained that there was consideration about the use of this indicator in the context of the Anti-Poverty Strategy and it was understood that NISRA were currently doing some work on this matter. It was agreed that the data needs to be available to achieve changes and that the Commission needs to consider further developing its position on the availability of data in its next corporate plan discussions.

Following consideration, Commissioners **noted** the report and the attached Appendix 1 and 2 and plans for publication.

- Transgender – update on key issues

EC/24/04/04

Darren McKinstry and Kathryn Barr, Policy and Strategic Engagement provided an overview of key issues relevant to equality for Transgender people, advising that this was high-level summary of key issues in relation to transgender people, with a particular focus on issues relating to gender/sex and provided an overview of the relevant legislation, topics on which the Commission has provided advice and assistance on.

Commissioners thanked officials for pulling together this initial discussion paper. It was anticipated that there would be further policy development work in this area during the next business year. They believed that the Commission had a leadership role to play and would welcome clarity on the timeline for the next steps agreeing that it was important that this work was included in the business plan.

Issues around healthcare, hate crime, lack of legal protections in education were highlighted as areas that needed focus. It was also important that lived experience informed this ongoing work. It was also felt that the any future policy position needs informed by the outworkings of the Cass Review and needs to tie into considerations on RSE. Further consideration

also needs given to the ongoing discussions on conversion therapy.

Jacqui McKee updated on guidance given to employers/service providers on this issue. She informed Commissioners that written guidance would be drafted in the next business year and Commissioners would have the opportunity to consider this in due course.

Commissioners suggested further training on this issue and also looked forward to a more developed policy paper in the next business year.

## 5. Business Reporting

- Draft Business Plan: 2024 – 2025 EC/24/04/05

Keith Brown, Interim Chief Executive presented the current version of the Draft Business Plan for 2024-25, pointing out that the Commission has still not been provided with any indicative figures for the 2024/25 opening budget. It was now hoped that this may be available later this month, or soon after. He advised that the Plan has been refined following consultation with TEO, and consideration of First Day briefs requested from some Departments.

A costed and finalised Plan would be presented for further consideration, prior to formal submission to TEO for approval by the First Minister and Deputy First Minister

Commissioners **noted** the current draft plan.

- Finance Report: 1 April 2023 - 31 March 2024 EC/24/04/06

Craig Gartley, Director Finance and Administration presented the final finance report for the year, including provisional information regarding the end of year outturn and budgetary position for 2023/24. Commissioners noted that as of 31 March, £6,349k, 98.1% of the revised total budget allocation had been spent.

It was noted that this was a provisional outturn which indicates a total underspend of 1.9% across resource & non-resource funding for the 2023-24 financial year. The Commission is actively reviewing a number of year end accruals and activity in the last month of the financial year to obtain final figures for outturns and prepare the financial statements for the annual audit in May.

The Director provided a summary of the details outlined in the expenditure tables at Appendix 1-3, providing explanation across the budget areas

including in the report.

Commissioners **noted** the financial position at the year end.

- Progress Report: 1 April 2023 - 31 March 2024 EC/24/04/07

Keith Brown presented the year end Business Plan Progress Report and outlined the progress against objectives over the six priority areas. He highlighted that it had been a difficult year with the ongoing financial uncertainties. Nevertheless, substantial progress has been made in delivering twenty-one of the objectives and for a further seven, satisfactory progress was delivered. He provided further detail on the two objectives against which progress was substantially less than planned.

The meeting discussed the lack of progress around completing the actions associated with the People Strategy and the related Investors in People (IIP) accreditation. Commissioners said that the IIP framework provided an assurance across several areas, and it was agreed that an IIP reassessment would be included in next year's business plan.

Commissioners **noted** the year-end Progress Report.

- Communications report: 1 April 2023 – 31 March 2024 EC/24/04/08

Louise Conlon, Director, Communications outlined details of the communications work undertaken for the period 1 April 2023 – 31 March 2024.

Commissioners welcomed the inclusion of the KPIs although they suggested increasing the range of the rating system. Commissioners **noted** the content of this Report.

## 6. Other Matters for Commission Decision

- Fair Employment Monitoring Report (2022) No 33 EC/24/04/09

Simon Hookham, Senior Research Officer updated Commissioners on the key findings from the Fair Employment Monitoring Report (2022) No. 33, a profile of the Northern Ireland monitored workforce. The Monitoring Report will be published shortly after the meeting if approved.

There was a discussion around the growing level of “Non Determined” in the workplace.

Commissioners **noted** the Monitoring Report No.33 and its findings, as well

as the planned dissemination of the report.

- Fair Employment (Monitoring) Regulations (Amendment) School Teachers Bill. EC/24/04/10

Jacqui McKee, Director, Advice and Compliance provided information on the draft Fair Employment (Monitoring) Regulations (Amendment) Order and the substance of the Commission's proposed response and referred Commissioners to the attached appendices. The legislation takes effect on 12 May 2024.

Commissioners thanked officials for the update and **agreed** the proposed response.

## 7. Chief Commissioner's Business

EC/24/03/07

Commissioners were provided with an update from the Commission Solicitor in respect to the CLC Judicial Review including the planned next steps. Commissioners welcomed this update and noted that they would be kept informed on this matter.

The Chief Commissioner drew Commissioners' attention to the death of Joan Harbinson, the first Chief Commissioner of the Equality Commission. A memorial service is planned for September and the Commission would be represented at this.

The Chief Commissioner informed the Commission that its Board Apprentice for this year had left the programme. The Commission would get a new apprentice later in the year.

The Chief Commissioner asked Commissioners to alert her to any leave arrangements in the middle two weeks of September, she intended to hold a Commissioner away day as part of the Corporate Planning process.

The Chief Commissioner outlined the meetings/engagements she had attended since the March Commission meeting; she attended a meeting of the Article 2 Working Group and participated in the TEO committee regarding the Commission's joint role as the Dedicated Mechanism.

The Chief Commissioner attended the Public Sector Chairs Forum Member Briefing with Deloitte and a meeting with Tony McAuley re Impact of Boardroom Apprentice. She attended the Department for Infrastructure Board Meeting on 23 March.

Commissioners **noted** the Chief Commissioners Report.

The Chief Commissioner thanked Keith Brown for his willingness to step up to be Interim Chief Executive again. She informed Commissioners that an exit interview with Amanda Logan had been undertaken by herself and passed to Human Resources so that any learning could be gathered.

## 8. Chief Executive's Report

EC/24/03/08

Keith Brown, Interim Chief Executive provided further detail to his report.

He advised that the Commission would not be required to give oral evidence to the Covid public inquiry following its earlier written submissions. He also drew attention to a number of staffing issues, including staffing levels and the low level of sickness absence this year.

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

## 9. Matters for Information

- Equality Commission Response to consultation EC/24/04/12  
The Executive Office New Strategy for Victims and Survivors

Commissioners **noted** the above for information.

## 10. Minutes of Committee Meetings

There were no Minutes for consideration.

## 11. Any Other Business

12. **Date of next meeting:** Two Hundred and twelfth Commission Meeting on **Wednesday, 22 May 2024, at 1.30 pm** in Equality House.

**The meeting ended at 4.35pm**

**Signed:**



**Date:** 22 May 2024