



Summary of Board meeting – 05/06 September 2024

The Board met in person over two days and were joined by an independent board evaluation consultant.

DAY 1

The Board welcomed positive feedback from a number of Commissioner engagements including the Secretary of State (SOSNI) and the US Consular General. The Board were advised of recent publications, including a document setting out how the Commission recovers information, when the Commission shares and publishes information, disclosure when referring a case for prosecution and disclosure or publication of sensitive information more generally.

The Board were advised that the SOSNI had announced the UK Government's withdrawal of their appeal in the Dillon case on human rights grounds (including conditional immunity), but that it continued in relation to the grounds relating to the Windsor Framework. While the case remains ongoing, with a decision expected at the end of September, the SOSNI has committed to consulting on how the Legacy Act will be repealed and replaced, with no further details yet known.

The Board received an overview of the King's Speech and the Written Ministerial Statement made by the SOSNI at the end of July. They also reflected on a number of statements the UK Government had made on the wider state of public finances and the impact they could have on the Commission's budget. The Board noted the potential financial impact of cases referred to the Commission and the need for productive engagement with HM Treasury regarding the overall caseload, noting the agreed approach to AME. There was discussion on how the Commission might handle cases which would previously been the subject of an inquest and in which there was a significant quantity of national security sensitive information. The Board were reassured that the Commission had published its policy on enhanced inquisitorial

proceedings and that work was underway to consider how the Executive Team would maintain sufficient bandwidth for arrangements for such cases while maintaining sufficient focus on the wider caseload, should the need materialise. The Board discussion underscored the value of the Commission's TRIM approach and in ensuring it remains to the fore where any changes to the staffing model could be made.

The Board approved the proposal to remove conditional immunity from the Board Standing Orders. They also noted the forthcoming spending review.

The Board received assurance on the conclusion of the programme to establish the Commission and on the transfer of any relevant remaining risks to the Commission for management. The Board recognised the significant achievement of the Programme Team and expressed their gratitude for the team's dedication and hard work.

The Board reviewed the latest iteration of the performance dashboard which now included information on compliance. There was discussion around how conflicts of interests are managed for secondees, as well as efforts underway to move towards the recruitment of permanent staff. The Board enquired into staff demographics and the collation of Section 75 data. Further work will continue to evolve the dashboard.

The Board reviewed the quarterly report from the Investigation Oversight Committee (IOC) which provided a high-level overview of the first four IOC meetings. There was discussion on how vetting applications are proceeding and the impact of the change in Government on processing times. The Board were assured that has been an improving situation post-election.

The Board considered the number of cases that were at information recovery stage and were advised that there was a steady stream of new Requesting Individuals (RIs) registering their cases with the Commission. The Board were pleased to hear that this included individuals who had not previously engaged with the authorities and from a range of community backgrounds. The Board welcomed the establishment of a new

Operational Assurance team. They were briefed that the role of the team is to work alongside the Investigations Directorate to seek to minimise the risk of non-compliance with operational policies and procedures.

Finally, in this section of the agenda, the Board discussed the approach to case categorisation, and how cases are progressed from initial contact through to the findings stage. Reassurance was provided that all cases are progressed according to an assessment of readiness by a case management panel and resources are allocated upon formal acceptance of a case, according to case complexity.

The Board welcomed a paper on the promotion on reconciliation, which outlined the historical, legal and constitutional framework tracing from pre-Troubles era NI to the present day. The Board were invited to consider how the Commission should seek to promote reconciliation when there are manifold concepts of what reconciliation means. The Board reflected in detail on the issues raised and the challenging contextual backdrop, noting the complexities at play and the need to engage widely to understand the present landscape. Board members recognised that victims and survivors had been let down and that it would be crucial to demonstrate how the Commission was different.

Board members noted the importance of acknowledging the views of RIs and were clear that the Commission should have its own definition to work to, which should be supported by and reflected in the approach to findings reports. The Board's view was that the presentation of robust reports could themselves lend to reconciliation but the Commission should recognise it could not achieve personal reconciliation itself – the focus must be on the promotion of reconciliation and the scope given by the 2023 Act.

DAY 2

The second day opened with a reflective session for Commissioners. Board members recognised the unique timing of the Commission's establishment and the advantages the present era brings, including relative political stability in NI and GB. There was an acknowledgement that it would take time for the Commission to gain the confidence of the community which would be aided by the production of reports that reflect the

unvarnished truth. The Board acknowledged the need to be mindful of external political developments and maintaining key relationships to support in understanding. They stressed the need for the Executive Team to keep its core purpose of the promotion of reconciliation at the forefront of its work.

The Board then turned their attention to a decision around the establishment of an Advisory Group on Reconciliation. The Board discussed the merits of an advisory group and ultimately concluded that the option of establishing an advisory group on the promotion of reconciliation should be left open. This approach took into account a number of challenges and risks associated with the establishment of such a group balanced against the need for the Commission to seek external views and take care in reaching premature decisions. Board members sought confirmation that the Commission would respond to those who had engaged on the issue of reconciliation in the consultation. Finally, Board members discussed whether the Commission should facilitate meetings between victims/survivors and alleged perpetrators. They noted this was a live issue and would require careful consideration, particularly recognising potential risks to victims and survivors.

The Board considered the latest outreach proposals, including the forthcoming publication of the accountability report. The strategy to build credibility with different audiences was discussed, as were the respective roles of the Board and Executive Team in shaping the detail of the proposals and how the Board might best add value. The Board were advised that demand forecasting modelling is being developed and will be shared with the Board in due course.

The Lead Non-Executive Commissioner updated the Board on the most recent Audit and Risk Committee (ARC) meeting, which focused on the Annual Report and Accounts (ARA) covering the first four months of the Commission's life. The Board were updated on the accounting treatment of the costs associated with part of the Commission's estate and whether they should be included in the 23/24 ARA. The Lead Non-Executive Commissioner noted that the internal audit plan had been agreed

subject to clarity on a small number of discrete issues; that the plan for an ARC strategy session had been agreed and that a separate meeting with the Chief Operating Officer, Chief Executive Officer and Accounting Officer had taken place after the ARC meeting. The Board discussed the impact on the 24/25 budget of the estates issue and who would have responsibility for signing off the Annual Report and Accounts. The Accounting Officer indicated the performance report, as drafted, represented a fair picture of organisational activity in the reporting period. The Board agreed that the performance report should be published the following week.

The remainder of the meeting was a Commissioners-only session facilitated by the independent board consultant, during which time they reviewed the Board objectives, how Board meetings are recorded, including agreeing to publish more fulsome summaries. The language used in the Commission Design Framework was also considered by the Board.

In closing, the Chief Commissioner acknowledged the contribution made by the outgoing CEO and expressed his gratitude on behalf of the Board for his vision and commitment in building and shaping the organisation. The outgoing CEO thanked the Board and Programme Team and wished the Commission well for the future under its new leadership.