



HOUSE OF COMMONS

Justice Committee

Oral evidence: [Pre-appointment hearing: Chair of the Independent Monitoring Authority for the Citizens' Rights Agreements \(IMA\), HC 485](#)

Tuesday 10 December 2024

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Members present: Andy Slaughter (Chair); Mr Alex Barros-Curtis; Linsey Farnsworth; Warinder Juss; Tessa Munt; Mrs Sarah Russell; Dr Neil Shastri-Hurst.

Questions 1 - 30

Witness

[I](#): Nicole Lappin, Government's preferred candidate for Chair of the IMA.



Examination of witness

Witness: Nicole Lappin.

Chair: Welcome to this afternoon's public session of the Justice Committee. Today we are dealing with the pre-appointment hearing for the chair of the Independent Monitoring Authority for the Citizens' Rights Agreements. I am delighted that we can ask some questions of the preferred candidate, Nicole Lappin, today.

There are a couple of preliminaries. First, Sir Ashley Fox has recused himself from taking part in the hearing, on the basis that he was the previous chair of the IMA. I think that is self-explanatory.

We will briefly, as we always do at the beginning of these sessions, give our declarations of interest. I am a non-practising barrister, a member of the Unite and GMB trade unions, and a patron of the Hammersmith & Fulham law centre and the Upper Room charity.

Dr Shastri-Hurst: I am a practising barrister and associate tenant at No5 chambers and a member of the Honourable Society of the Middle Temple.

Mrs Russell: I am a solicitor with a practising certificate. I am a member of Inner Temple. I am a member of the Industrial Law Society and the Employment Lawyers Association, and USDAW and Community unions.

Mr Barros-Curtis: Good afternoon. I am Alex Barros-Curtis. I hold a practising certificate from the SRA. I am a member of the APPG on whistleblowing and of the Unite and GMB trade unions.

Tessa Munt: I am the Member for Wells and Mendip Hills, and am one of the vice-chairs of the APPG on whistleblowing and a director of WhistleblowersUK.

Warinder Juss: Good afternoon. I am Warinder Juss. I am a solicitor, and a member of the executive council of the GMB trade union and of various APPGs.

Linsey Farnsworth: Good afternoon. I am Linsey Farnsworth. I am a non-practising solicitor, formerly of the Crown Prosecution Service, and a member of a number of unions, including the FDA.

Q1 **Chair:** Thank you. Welcome again, Ms Lappin. If you are happy, we will kick off the questioning. Would you introduce yourself to the Committee and briefly explain your background?

Nicole Lappin: Thank you, Chair, and hello everyone. My name is Nicole Lappin. I am currently the chair of the Northern Ireland Housing Executive, a body that I have chaired for just over two years. Cumulatively I have over 10 years' experience of leading three public sector organisations in Northern Ireland. In addition to the Northern Ireland Housing Executive, they are the Northern Ireland Ambulance



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Service, where I was chair for five years, and the Charity Commission for Northern Ireland, where I was the chief commissioner for three years.

I obtained my law degree at Queen's University Belfast and qualified as a barrister in King's Inns, Dublin. For five years I practised between Dublin and Belfast.

- Q2 **Chair:** Thank you very much. The Independent Monitoring Authority for the Citizens' Rights Agreements, which we can agree henceforth to call the IMA, is a public body, but many people will not have heard about it. How would you describe its work to a lay person? Why is it important, and what motivated you to apply for the role?

Nicole Lappin: Simply put, the IMA was established to ensure that the rights of EU citizens and those citizens whose rights are recognised under the separation agreement would be maintained, monitored and promoted, following EU exit, so that people who had various rights—to residence, work, study and access to public services—would continue to have those rights. That is of supreme importance because many people are impacted by it. It comes from agreements that were reached with the EU following protracted negotiations.

What attracted me? I think it is fantastic that this body exists to look towards the implementation of citizens' rights that were agreed in the withdrawal and separation agreements. I was particularly attracted to its remit because it is UK-wide and covers Gibraltar. I think there are opportunities for me to play to some of my strengths—engaging with many different partners.

Chair: Thank you very much.

- Q3 **Mr Barros-Curtis:** Welcome, Ms Lappin. If appointed, what professional or voluntary work commitments will you continue to undertake, or might you undertake in the future, alongside the role?

Nicole Lappin: I am two years into a five-year commitment with the Northern Ireland Housing Executive. That commitment is to two days a week. I also chair a fitness to practice committee for the Pharmaceutical Society of Northern Ireland. In the past 12 months that met on only a handful of occasions. I am a member of the board of governors of Craigavon Senior High School, although my second term is coming to an end, I am told, at around Easter next year. I also undertake other, ad hoc, work in a private capacity when I am available to do so.

- Q4 **Mr Barros-Curtis:** Do you think, with all those things, you would be able to fulfil the requirements of the IMA role, notwithstanding what you currently have, or may have, in the future?

Nicole Lappin: Very much so, yes.

- Q5 **Mr Barros-Curtis:** Moving to the role itself, the essential criteria obviously require you to lead the board and support the leadership of the IMA by providing "guidance and effective challenge". How does your experience to date demonstrate some of those requirements or



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capabilities in this area?

Nicole Lappin: As I said in my introduction, I have experience in leading three public sector boards, to date. In addition, I have sat on a number of other boards. I was an inaugural member of the Education Authority when it was established in Northern Ireland in 2015. I was, for six years, an independent board member of the Northern Ireland Courts and Tribunals Service, where I chaired its audit committee for six years. I have experience of governance from the Republic of Ireland, where I was a non-executive director of the Irish Auditing & Accounting Supervisory Authority. I sat on its audit committee and chaired it for a year, as well. I bring, I think, a broad brush, and hopefully a depth of governance experience from a range of backgrounds, to the post.

Mr Barros-Curtis: Thank you.

Q6 **Tessa Munt:** The essential criteria require you to have the “ability to gain the confidence of and build relationships with” quite a range of stakeholders, in both the UK and Europe, “particularly with Ministers and parliamentarians”. Can you explain a little about how you meet that criterion?

Nicole Lappin: As I mentioned, this was something that very much attracted me to the role. It is, hopefully, one of the strengths that I have, in that, in all the roles I have performed, I have sought to establish, maintain and develop relationships with a wide range of stakeholders. By way of some assurance for the Committee, perhaps I might briefly outline the work that I am doing in the Housing Executive with our tenants.

The Housing Executive has excellent structures for engaging with tenants through the Housing Community Network and Central Housing Forum. This might be a little cheeky, but just before I came in here, I texted the chair of the Central Housing Forum, who was to attend an event this week. She is also one of the independent experts on one of my committees in the Housing Executive. I maintain and develop relationships on a personal basis. If it is not too trite to say so, I like people. I like meeting and listening to people, and I like to hear from the stakeholders we serve how we can improve services. I like to hear how we can work better with those we work alongside, whether they are partners in delivering housing services, for example, or parliamentarians. I meet people whenever the opportunity arises and have set up, particularly with elected representatives and departmental colleagues, opportunities to meet on a regular basis.

Q7 **Tessa Munt:** As chair, you need the ability to understand and oversee compliance with expenditure controls. Can you identify your historical experience with that order of work, and demonstrate your capabilities in that area?

Nicole Lappin: In Northern Ireland the chair would not usually sit on the audit committee, so I bring audit and risk experience from a number of other organisations. In the Northern Ireland Ambulance Service I looked at the governance structures and realised that we did not have a



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specific committee scrutinising finance. I brought in a facilitator, who worked with the board members, and we collectively agreed that we needed a separate committee to look at resources—finance and people—in the organisation. That was to allow additional time that would not be available in a board meeting for real scrutiny of the value for money that the public were getting from the spend in the Northern Ireland Ambulance Service.

Q8 Tessa Munt: You set up a committee to do that. Did you sit on that committee?

Nicole Lappin: That was interesting, because in my experience the chair does not usually sit as a member of committees. The board was a unitary one, like the Independent Monitoring Authority. It was a board of 11, so there were six non-execs, including the chair, and I carried a vacancy for quite a long time as well, so there were only five non-execs, including myself, available to sit on committees; so I actually sat as a member of that committee, not as its chair.

Tessa Munt: Thank you.

Q9 Warinder Juss: I think you have probably already answered this question, but, specifically, how do you think your work experience to date demonstrates the knowledge that you need about citizens' rights?

Nicole Lappin: That's an interesting question, because you are asking about knowledge. I think that my knowledge about citizens' rights began to be formed when I was on the Irish Auditing & Accounting Supervisory Authority. In the Republic of Ireland there was a lot of discussion of what the impacts of EU exit would be on the island of Ireland, in particular. We discussed things like mutual recognition of professional qualifications—something very personal to me. Also, in relation to frontier working, we had that discussion in the Northern Ireland Ambulance Service. In the context of Ireland, the common travel area crystallised that, and impacts it in ways that are different from the way other citizens' rights are implemented.

On a very personal level, what I saw, and the discussions I took part in, informed my view of the impacts of EU exit. We were talking about that on the board at a time when there was not as much talk about the impact on citizens' rights in the more general public arena.

Q10 Warinder Juss: If appointed, do you believe that there are any areas where you might need to acquire new skills and knowledge? If so, how do you think you will go about acquiring them?

Nicole Lappin: I always come from the premise that if I think I know everything, it is time to walk away from the role I am in. I learn all the time. This role has a very wide remit across a number of different nations, so I absolutely believe that I will have to learn quite fast about the way things are done, understanding how relationships work; but I have transferable skills that I can bring to enable me to do that and to come up to speed very quickly.



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Warinder Juss: Thank you.

Chair: Sarah, do you want to come in?

Q11 **Mrs Russell:** Thank you. Do you see any equalities-specific elements to the role, and what thought have you given to those?

Nicole Lappin: Equalities aspects? I am not sure I understand: apologies.

Q12 **Mrs Russell:** In terms of the nine protected characteristics, do you think that there will be any relationship between this role and those? Do you foresee there being any particularly vulnerable groups for whose rights you would be looking to advocate particularly? Do you see there being any differential or any protected characteristics element in the role that you would need to be aware of?

Nicole Lappin: From my perspective, when I was looking at the role, and since going through the process, I have looked at the hard-to-reach groups—individuals who first of all need to know that we exist, and then to understand that they have rights that are enforceable. The IMA carried out a really interesting and useful piece of work, reporting on looked-after children and ensuring that someone was there to support them in making the necessary applications.

Accessibility, for me, is so much wider. It starts, fundamentally, with the fact that the citizens we are discussing are unlikely to have English as their first language, and reaching them in such a way that they can access the services. Even more widely, with people who are disabled—those with a vision impairment or learning disability, or who may not readily engage with government—there is a challenge to identify how those groups can be reached so that they are aware of their rights, and that then we look to public bodies to ensure that they are aware that individuals have particular rights that must be implemented.

Mrs Russell: Thank you.

Q13 **Mr Barros-Curtis:** I have a follow-up on the point about the four nations, which you touched on, Ms Lappin, and on bringing the skills from your wealth of experience to bear on working with the devolved Administrations. As a Welsh MP, and also because my husband is German and my mum is Portuguese, I am conscious of the impact that is spread across our four nations. Do you feel that the skills you referred to before will naturally feed into your ability to work with the devolved Administrations productively and, where necessary, to challenge accordingly, to get the information and be able to undertake the job that is required of you under the statute?

Nicole Lappin: Yes, I do. There are reserved matters, obviously, that apply throughout the United Kingdom, but there is recognition as to the devolved nations; this is probably an area where I am just reading my way into the brief, because it is subject to approval from the Committee. In having a look at the remit, one area that did not initially occur to me was the very specific area of legislation-making in the devolved nations,



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including the ability of various bodies to make regulations. Taking into account one of the statutory powers that the IMA has, in advising on legislation, I would be quite interested to get my head under the bonnet to see how the body can satisfy itself that it is aware of all the pieces of legislation when it is tasked with monitoring the implementation of those rights. I hope that that addresses the query.

Mr Barros-Curtis: It is just always being conscious of it, which is the same thing we ask of our Government: always think about the devolved implications of any policy. It is a very similar approach. Thank you.

Q14 **Dr Shastri-Hurst:** Good afternoon, Ms Lappin. Should you be successful in your appointment, what will your main priorities be? Particularly given that you have already alluded to the large remit of IMA, which is a relatively small organisation, how will you ensure the efficient and effective use of resources to deliver on those priorities?

Nicole Lappin: I will come to the first aspect first and, forgive me, I may come back to you to remind me of the second. In relation to priorities, when I was reading my way into preparation for today and for previous interviews, I looked at documents like the '24-27 strategic plan. That dovetails quite nicely with the term of appointment, should I be appointed. There are four clear strategic objectives in there around ensuring that citizens' rights are promoted and monitored.

One that really caught my eye was becoming a trusted organisation. I would like to explore that further. What does it mean? How can it be measured? Does it mean to be trusted by citizens themselves, or to be trusted by other bodies that might represent citizens in various areas? Primarily, in that area—this is a very preliminary stage—I am thinking about public bodies: is the IMA seen to be a trusted body that they can go to for advice and information regarding how they ensure that they comply with citizens' rights?

Would you repeat your second question, please?

Q15 **Dr Shastri-Hurst:** Yes. Given that the IMA has a relatively large remit but is a relatively small organisation, how will you use your resources efficiently and effectively to deliver on your priorities?

Nicole Lappin: I have had the opportunity to have a few preliminary conversations with the chief executive, and last week I met with the interim chair. Should the Committee approve my appointment, one of the earliest things that I would do would be to sit down with the chief executive, to do a little stakeholder mapping—to identify the people that the IMA really needs to engage with as a priority, and discuss how, between the chief executive and chair's role, that can be managed most effectively.

As to efficiency and effectiveness, I am aware at a high level that the MOJ recently carried out a review of the body and determined that it was operating effectively and efficiently. If I were appointed as chair, I would want the board and its committees to continue to do that. I would want



to understand the metrics for that to have assurance that we were looking at the right things. The body has been in place for almost four years so there is a good baseline to begin to assess how it is going forward with its effectiveness, and how it is doing that in the most efficient manner.

Q16 Dr Shastri-Hurst: In your earlier answer you talked about how you would like the IMA to be perceived by the public. How do you think it is currently perceived, in terms of its profile and reputation?

Nicole Lappin: In terms of its profile, the day before my first interview I met one of our tenant groups and happened to sit beside an individual from the European Union who had lived in Northern Ireland for about 15 years. We were chatting and she happened to mention a few issues she had had. I asked her if she had ever heard of the Independent Monitoring Authority, and she had not. I know it's a straw poll of one, but it was an interesting insight.

I have heard that concerns have been raised by various people about whether the IMA has the right profile and whether it is delivering, and what other expectations people might have for it. One of the jobs for the chair and the board will be to ensure that those expectations are managed, so that people are very clear about what the IMA is there to do; it is for the chair and the board to ensure that the IMA does what it is mandated to do under the statute.

Q17 Dr Shastri-Hurst: Looking to the future, what challenges do you think the IMA will face in your tenure, and how would you continue to use its powers to respond to them?

Nicole Lappin: I am thinking about the strategic objectives that the IMA has currently in its '24-27 strategy. We have touched on its remit throughout this evidence; it is, as you mentioned, a fairly small body with a huge remit. It is about ensuring that its presence is known. I understand that the chief executive is encouraged by the fact that courts are now looking to the IMA to intervene in proceedings whenever there is an interpretation of the withdrawal agreements, and I understand that it has been successful in assisting with the formulation of legislation. That is an area that it may well want to focus on, not to the exclusion of everything else, but certainly as an important area, to get upstream, if you like, so that the right legislation is put in place and will be implemented.

You asked me about challenges, which I think are in its remit, and in ensuring that what you referred to as a small body—I think it has about 60 staff and a modest budget, compared with many other organisations—has the capacity to sit with all the bodies that are impacted as a result of the withdrawal and separation agreements.

Dr Shastri-Hurst: Thank you.

Q18 Mr Barros-Curtis: I want to turn to a couple of questions on the work that is undertaken by the IMA. First, to what extent—this follows on from



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the questions by Neil—do you think the IMA has the powers and duties that it needs to carry out its role effectively?

Nicole Lappin: I think that depends on what sort of body the IMA is. Apologies, but I am still looking at it from the outside. I have had the opportunity to have a couple of conversations with the chief executive, and I see the IMA—this is borne out by some of the other roles I have had—as most successful when it enables bodies to understand and recognise what citizens' rights there are, and how they must be implemented and upheld.

The IMA has quite a few statutory powers. The best word I can use to describe some of them is "draconian". My view is that statutory powers should be used only as a measure of last resort. It is much more effective to get co-operation with other public bodies, to come alongside them—I think the IMA has a power under which bodies have to provide it with information—and to encourage them by ensuring that they have the right policies and procedures in place. It is building up a body of expertise to do that very successfully.

Q19 **Mr Barros-Curtis:** From the portfolio of work that the IMA currently does, what, from your conversations and learning at the moment, do you think it is doing particularly well?

Nicole Lappin: Just from the conversations, and I can go no further than that at this point, I have touched on its role in providing advice on legislation. I understand that in many cases it is being consulted to share its expertise and insight as legislation is formulated. That is really powerful and very impactful in a positive way.

I am thinking of a phrase I heard speaking to the chief executive on the phone yesterday. She was looking at future generations—people, children in particular, in families, and how their rights will be recognised and upheld in the future: those are the medium to long-term impacts of withdrawal from the EU.

Q20 **Mr Barros-Curtis:** Of course, associated with that, on the understanding and assertion of rights, is the fact that the IMA can also receive complaints. Where things have gone wrong and complaints are made, what role do you think the IMA should play in hearing the complaints of citizens, and how should it respond to individuals who send in complaints?

Nicole Lappin: For me that is a really interesting question. That is probably where I started when I was thinking of applying—looking at the complaints and understanding that there was a view that the IMA would receive tens of thousands of complaints. In fact, last year, it received around 500 complaints. You ask a really interesting question.

From my perspective—I feel I am reaching here, just because I don't have experience of being in the organisation—there are statutory powers available that have been used. One judicial review has taken place. Actually, I think it is more about gathering information as to where there may be systemic issues and raising awareness of where they are, which



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was referred to in some of the documentation I was reading. There may be other people who will take action in relation to some of those things, where necessary.

The IMA has the statutory powers that I have mentioned, to use when appropriate, but I am not sure that it should be too quick to do that. It has a role that I think it performs really well in coming alongside public bodies right across the United Kingdom and Gibraltar, to raise awareness and to identify where there may be issues, and to see where that can be taken forward, either by the IMA or others.

Q21 Mr Barros-Curtis: That is really helpful. Building on that, in terms of the citizens who may come forward, what specific challenges do you think or feel that EU, EEA and EFTA citizens in the home nations face, and how can the IMA support those rights? As you say, it is not necessarily about clicking the red button for the ultimate statutory action. What other actions could the IMA take under your leadership?

Nicole Lappin: I have already referred to the powers—I don't know if the right word for them is "softer" powers—to have reports and investigations, if those are necessary, and provide advice when legislation is being developed. You mentioned the sorts of complaints that might be brought forward. The main focus has been on ensuring that people have their settled status. Around 3 million people are still waiting on the processing of their application. I am not sure that that was envisaged when the IMA was being considered, but that is the first hurdle. After that, we will wait to see how individuals encounter issues and how we can ensure that they are supported in dealing with them.

Q22 Mr Barros-Curtis: You very neatly segued to the question I was going to ask about the status of the settlement scheme, because obviously applications under that closed in June 2021. You have referred to significant problems. What role do you think the IMA can take in that area to assist in dealing with a problem which, as you say, was most likely not intended at the time it was all constructed?

Nicole Lappin: It goes back to its two main statutory duties: to monitor and promote—particularly monitor—and ensure that people get the right to residency and have a successful outcome to their application.

Q23 Mr Barros-Curtis: In the relationship that the IMA has with the Home Office and other relevant Government Departments, as well as the devolved Administrations, notwithstanding the reserved elements, good productive relationships are essential to achieve positive outcomes, which is the purpose. What would you do to develop and maintain functional, productive and positive working relationships with those key stakeholders, Government Departments and devolved Administrations?

Nicole Lappin: Wherever there is an opportunity to meet them, sometimes on a one-to-one basis, or perhaps with the chief executive as well, what I do in my current role and have done in other roles is that, when there are opportunities to attend conferences—sometimes I have been invited to speak at those conferences—for me it has been a lot



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about listening to other people. Sometimes, we approach people with various assumptions about where they are coming from, but hearing about their difficulties and challenges is really useful in identifying the best way forward for everyone.

Q24 **Chair:** I have a few questions on your independence and possible conflicts of interest. How will you ensure that you remain independent of Government?

Nicole Lappin: It is so important, particularly with this body, to ensure as chair, along with the board, that the body remains focused on its statutory duty, and that any action it takes is in furtherance of those statutory duties.

Q25 **Chair:** Do you have any conflicts of interest we should know about, or have you thought about whether there will be any conflicts of interest emerging in future?

Nicole Lappin: There are no conflicts that can't be managed. I have indicated that I am chair of the Housing Executive, a public body. Should the IMA ever have an issue with any of the actions being taken, or not taken, by the Housing Executive, I would not be involved in any discussions, or have any awareness of that. I would simply recuse myself from it. It would be the same with the Pharmaceutical Society of Northern Ireland. I have no difficulty doing that; I did it in other roles.

Q26 **Chair:** If something emerges in the future you can see a procedure for dealing with it.

Nicole Lappin: Absolutely. The interim chair is the deputy chair, and I would be very happy to ensure that somebody else led on those issues and I was not party to any of the discussions at all.

Q27 **Chair:** Have you undertaken any political activity in the last five years for a political party—being a candidate or donating sums of money?

Nicole Lappin: No.

Q28 **Chair:** Do you have any intention of taking up any political activity while you are in this position, if you are appointed?

Nicole Lappin: No.

Q29 **Chair:** That's clear. Thank you. How will you judge at the end of your tenure whether it has been a success?

Nicole Lappin: I have been thinking about that. The big answer is that if the IMA has been successful there will be no need for the IMA. Whether that would happen within three years lies elsewhere. Other people will make that determination. For me, if I was appointed chair, I would be looking to the existing strategic plan and how well the body has delivered on becoming a trusted partner with various stakeholders and how it had ensured that citizens' rights were promoted and monitored.

Q30 **Chair:** You have answered our questions very clearly. Are there any



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other matters concerning your candidature or your priorities that you do not think we have covered and you would like to comment on?

Nicole Lappin: No. Thank you.

Chair: In that case, thank you very much for attending. We will now close the public session and ask you to retire so that we can consider what report we make.