

# Equality guidance for charities in Northern Ireland

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Draft guidance on the intersection of charity and  
equality law – open for consultation



## The Charity Commission for Northern Ireland

The Charity Commission for Northern Ireland is the regulator of charities in Northern Ireland, a non-departmental public body sponsored by the Department for Social Development.

### Our vision

To deliver in partnership with other key stakeholders in the charitable sector “a dynamic and well governed charities sector in which the public has confidence, underpinned by the Commission’s effective delivery of its regulatory role.”

Further information about our aims and activities is available on our website [www.charitycommissionni.org.uk](http://www.charitycommissionni.org.uk)

### Equality

The Charity Commission for Northern Ireland is committed to equality and diversity in all that we do.

### Accessibility

If you have any accessibility requirements please contact us.

### Online or in print

If you are viewing this document online, you will be able to navigate your way around by clicking on links either within the contents page or text.

We have produced a glossary that provides further information, definitions and descriptions of some key terms. The words in **bold green type** indicate words that are found in the glossary towards the end of this document. If you are reading the document online you can click on the word and it will link you to the definition in the glossary. The words in *pink italics* indicate other guidance or databases, and these are also listed on the *Useful supporting documents* page.

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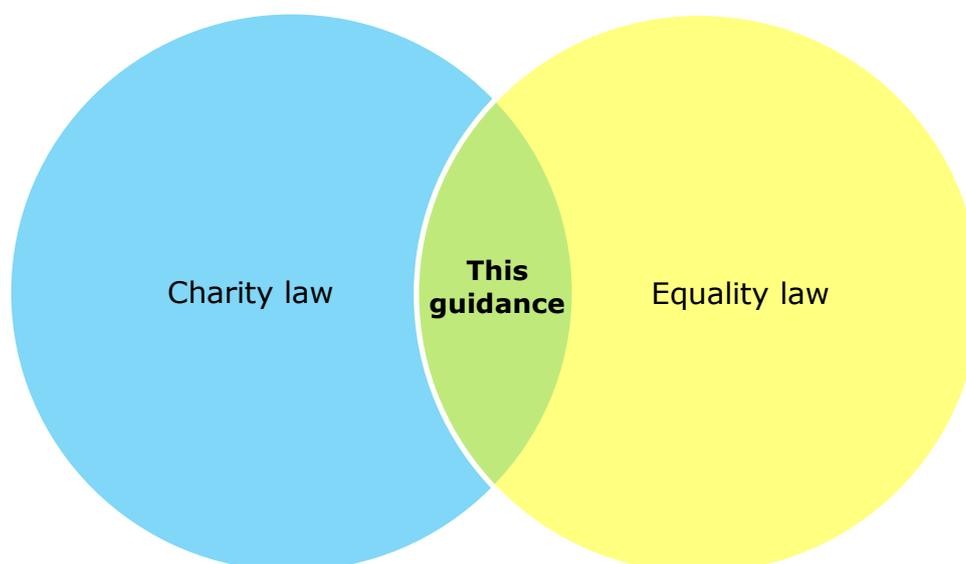
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## Section 1: Overview

The purpose of this guidance is to promote awareness and understanding of how charities may be affected by equality obligations contained in Northern Ireland legislation. This guidance does not mark a change in the law. Rather, it should help understanding of complex legislation.

This guidance explains the intersection of charity law and equality law, and will help charity trustees to identify:

- what groups of people are protected by equality legislation
- what exceptions apply to charities
- what is and is not acceptable under charity and equality legislation.



Equality legislation requires service providers, including charities, not to discriminate on certain grounds when they provide services to the public. There are, however, some exceptions for charities which allow them to be established or operate for the benefit of certain groups of people, and not others.

The Charity Commission for Northern Ireland (the Commission) does not regulate or monitor organisations on their equality obligations as that is the role of the Equality Commission for Northern Ireland (the Equality Commission). We would like to acknowledge the assistance we received from the Equality Commission in producing this guidance. Charities with complex issues concerning equality should seek advice from the Equality Commission [www.equalityni.org](http://www.equalityni.org)

## Section 2: About this guidance

### 2.1 What does this guidance cover?

Charity trustees have a duty to ensure that their charity complies with the law. When setting up a new charity, registering a charity or running a charity, trustees must be aware of their obligations under all the legislation which may affect their charity. In Northern Ireland, equality obligations are contained in a large number of pieces of legislation. This guidance will assist trustees to identify the equality obligations that are most relevant to their charity.

The guidance brings together key aspects of equality legislation which may affect charities and how they deliver their services. There is information about equality obligations, exceptions for charities and the rules that govern the use of exceptions.

### 2.2 What does this guidance not cover?

This guidance is not a full description of legal matters affecting your charity, nor is it a substitute for advice from a charity's own professional advisers.

The guidance does not deal with equality law where it does not intersect with charity law. For example, it does not consider equality issues as they relate to employment law. However, many charities are employers and charity trustees should be aware of their responsibilities as employers. The Equality Commission's *Unified Guide to promoting equal opportunities in employment* provides a good overview of these responsibilities. Other sources of advice are available in the *Useful supporting documents* and *Useful contacts* sections at the end of this document.

Additionally, although all of this guidance applies to charities which are **designated** as public bodies or Non-Departmental Public Bodies (NDPBs), such bodies also have some additional obligations under equality law, for example under **Section 75 of the Northern Ireland Act 1998**. This guidance does not deal with those additional obligations and relevant public bodies should seek advice from the Equality Commission. The equality commission's website is available at [www.equalityni.org](http://www.equalityni.org).

## 2.3 Who does this guidance apply to?

This guidance is aimed at **charity trustees**, who may also be known as trustees, members of management committees, or directors of charitable companies, as well as anyone acting on behalf of a charity for example a solicitor, accountant, agent or adviser.

This guidance may also be of use to charity beneficiaries, service users and members of the public.

## 2.4 What are legal requirements and best practice?

In this document where we use the word 'must' we are referring to a specific legal or regulatory requirement. We use the word 'should' for what we regard as best practice, but where there is no specific legal requirement. Charity trustees should follow best practice guidance unless there is a good reason not to.

## 2.5 Charity legislation

Charities in Northern Ireland are regulated by the Commission, in accordance with the Charities Act (Northern Ireland) 2008. Charities must also comply with other relevant legislation and regulators. For example, charitable companies must also comply with the Companies Act (2006) and register with Companies House.

References in this document to 'the Charities Act' are to the **Charities Act (Northern Ireland) 2008** as amended by the **Charities Act (Northern Ireland) 2013**.

## 2.6 Equality Legislation

There are seven major pieces of legislation in Northern Ireland which contain provisions to do with equality. A list can be found in **Appendix 1**, at the end of this document.

The guidance will provide information on these equality duties, exceptions for charities and the rules that govern the use of exceptions.

## Section 3: What is unlawful discrimination and how can you avoid indirect discrimination?

### 3.1 What is unlawful discrimination?

The purposes of a charity set out what the charity was established to achieve and may restrict benefits to certain people on the basis of shared **equality characteristics**. It is important therefore that charity trustees consider the issue of unlawful discrimination in the context of the charity's purposes as well as its activities.

The easiest form of discrimination to recognise is called direct discrimination, for example:

- refusing to serve a customer because of their gender or religion
- making demeaning comments to a customer because they are from an ethnic minority or an Irish Traveller
- refusing to provide a grant to an applicant because she is disabled or he is gay.

Discrimination can also arise from a failure to comply with a duty to make reasonable adjustments for disabled people, for example:

- carrying out your activities in a building that is open to the public but which is not accessible for wheelchair users and where no effort is made to help those users gain access
- holding a meeting or a conference that is open to the public but not making any effort to deal with the needs of disabled people who are attending and who need help, such as a sign language interpreter for deaf people in the audience.

Most of this guidance deals with direct discrimination and any exceptions that may allow charities to sometimes discriminate in this way. However, discrimination may also take an indirect form and charities must take steps to avoid this.

### 3.2 What is indirect discrimination?

Indirect discrimination can be defined as a practice, policy or rule which is applied to all, but that puts certain groups of people at a disadvantage because of a shared characteristic that they have, for example, gender, race or religion. This will be unlawful if it cannot be shown to be a proportionate means of achieving a legitimate aim.

Indirect discrimination does not cover only individuals who are put at an actual disadvantage by a practice, policy or rule but also individuals who have the potential to be put at a disadvantage. This includes individuals who are deterred from trying to access a service because of this practice, policy or rule.

Indirect discrimination can be unlawful even if it is not intentional.

#### Example

A charity which runs a drop-in centre decides to apply a 'no hats' rule. Beneficiaries who wear head coverings for religious reasons, for example Sikhs, Jews, Muslims and Rastafrians, will not be able to use the drop-in centre. Unless the charity can demonstrate that this rule enables them to achieve a legitimate aim, this may be indirect discrimination.

### 3.3 How can a charity avoid indirect discrimination?

When a charity places a restriction on who may benefit from its services, which is not related to an equality characteristic, trustees must still consider the potential impact of this restriction on individuals with a shared equality characteristic. An example of a restriction not related to an equality characteristic would be a restriction based on residence or geographic location.

Indirect discrimination may arise if the effect of the restriction is:

- to disadvantage people who share an equality characteristic compared to those who do not and
- the restriction is not a reasonable and proportionate way of achieving the charity's purpose.

If a charity can show that its activity is a reasonable and proportionate way of achieving its purpose, even though some people who share an equality characteristic have a potential to be disadvantaged, then it is unlikely that indirect discrimination will have occurred.

### Example

A charity is set up to relieve poverty in a particular council area. People from ethnic-minorities are under-represented in this council area. It is unlikely that the charity can be accused of indirectly discriminating against people from ethnic-minorities if it can show that:

- there is a reasonable link between the purpose of relieving poverty and a restriction to people in this council area and
- anyone in the council area who is eligible, including those from ethnic-minorities, have access to the charity's services.

## Section 4: Avoiding unlawful discrimination on the basis of disability

### 4.1 What does the law say about disability?

The Disability Discrimination Act 1995 as amended (DDA) prohibits discrimination and harassment against disabled persons. It provides rights for people with disabilities but not normally to non-disabled people. This means a charity can treat disabled people as a class more favourably than non-disabled people as a class. There is no need to rely on any exception to the law to treat disabled people more favourably.

#### Example

A charity decides to offer discounted admission to its youth club to young people with a disability. This is allowed because it is lawful to treat individuals with a disability more favourably than those without. The charity does not need to rely on any particular statutory exception to do this.

The DDA also imposes a duty on service providers to make **reasonable adjustments** for service users who are disabled.

### 4.2 Can a charity restrict its benefits to people with a specific disability?

Many charities are established to benefit people with a specific disability. While this has not been tested in court this is likely to be lawful under the DDA.

#### Example

A charity is established to benefit people who are blind or visually impaired and it does this by providing them with computer software. This charity can lawfully refuse to provide its services to people who are disabled as a result of another impairment or condition.

### 4.3 Must a charity make reasonable adjustments for people who are disabled?

The duty to make reasonable adjustments requires service providers to take positive action to ensure that people with disabilities can enjoy their services in as close a way as possible to that enjoyed by non-disabled people. This duty applies to an organisation's practices, policies, procedures and the physical features of its premises. Where a service provider has a practice, policy, procedure or premises that make it impossible or unreasonably difficult for a disabled person to use their service, they must take reasonable steps to change that practice, policy, procedure or feature so that the service becomes accessible. A charity can provide the service in a different way or provide auxiliary aids. A charity cannot rely on any exceptions in equality legislation to avoid this duty.

#### Example 1

A charity is holding a fundraising event which is free for the public to attend. A disabled person has arthritis and has difficulty standing. If this person has to queue she would experience pain that other customers would not be expected to suffer. The charity's volunteers allow this person to come to the front of the queue and enter the venue.

#### Example 2

A small charity receives a request from a partially sighted person for its information booklet to be provided in Braille. The charity decides, because of its size and the costs involved, not to use this format. Instead it puts the information on to an audio tape and sends it to their client.

The DDA does not state what factors should be taken into account when deciding whether or not an adjustment is reasonable. Some of the factors to consider are:

- the type of service being provided
- the size of the service provider and its resources
- how the person's disability affects them in a particular context
- how effective the adjustment would be in overcoming the barriers to the service
- how disruptive the step would be for the service provider.

#### 4.4 Can a charity wait until a disabled person asks them to make a reasonable adjustment?

The DDA holds that this duty is owed to all disabled people and that it should be anticipated. Therefore, service providers should review their policies and practices to ensure they can comply with the reasonable adjustment duty. In some circumstances it would be acceptable for a charity to wait until the adjustment has been requested before considering whether it is reasonable or not.

##### Example

A charity is hosting a conference that is open to the public. A person with a visual impairment contacts them to ask for the power point presentations to be put on a disc, so that she can use reader software to access the presentation. As the charity is a large charity with sufficient resources, it decides this is a reasonable adjustment for it to make. The charity does not provide this adjustment before every conference but only on request.

Trustees of **membership associations** or clubs must be aware that the provisions of the DDA apply to any membership association or club with 25 or more members.

## Section 5: Avoiding unlawful discrimination on the basis of age

Current age discrimination law in Northern Ireland does not cover the provision of **goods, facilities or services**. The Employment Equality (Age) Regulations (Northern Ireland) 2006 only apply to employment, vocational training and further and higher education. Charities that are employers, as well as charities whose benefits include the provision of employment, vocational training or further and higher education should seek advice from the Equality Commission.

A charity can legitimately be established to provide its benefits to a particular group of people who share an age characteristic. It is recommended that a charity restricting its benefits in this way would set out the restriction in its **governing document**.

### Example 1

A charity is established to advance the relief of poverty among older people. As part of its range of activities the charity provides a luncheon club which only people aged over 60 years may attend. This is permitted under the law.

### Example 2

A charity is established to provide support to young people who are at risk of committing criminal offences. It runs a programme of activities and only young people aged between 14 years and 25 years are eligible for the programme. This is permitted under the law.

## Section 6: Avoiding unlawful discrimination on the basis of race

The Race Relations (Northern Ireland) Order 1997 (RRO) prohibits discrimination and harassment on the grounds of:

- race
- colour
- ethnic or national origins
- nationality
- belonging to the Irish Traveller community.

The RRO does allow service providers, including charities, to address the special needs of people from a particular ethnic group in terms of their education, training or welfare. A charity may do this by restricting its benefits to individuals with shared race characteristics. However, the charity will need to show that this particular ethnic group is in special need of these benefits.

### Example

A charity established to provide support to people in urban communities has a range of activities to achieve this purpose. These include running English language classes for recently arrived migrant workers for whom English is not a first language.

The law does not allow a restriction to specify skin colour, however a restriction can specify ethnic background or country of origin.

### Example

A charity could not be established with a purpose to assist homeless black people. However it could be established with a purpose to assist homeless people from the Nigerian community.

Trustees of **membership associations** or clubs must be aware that the provisions of the RRO apply to any membership association or club with 25 or more members.

## Section 7: Avoiding unlawful discrimination on the basis of sex or gender reassignment

The Sex Discrimination (NI) Order 1976 (SDO) as amended prohibits discrimination and harassment on the grounds of:

- sex
- pregnancy and maternity
- gender reassignment
- marital/civil partnership status (in employment and vocational training only).

It is unlawful for a service provider to refuse to provide a service or offer a lower standard or worse service to someone because they are a man or a woman. It is also against the law to discriminate in this way against transsexual people or against women on the basis of their pregnancy or maternity. It does not matter if the services are provided free or in return for payment.

There is an exception in the SDO for charities. It is not unlawful for a charity to be established to provide benefits to one sex only. It is recommended that a charity restricting its benefits in this way sets out this restriction in its governing document.

### Example 1

A charity is established for the advancement of health amongst men in Northern Ireland. Its governing document restricts its benefits to men. The charity organises men only help groups to explore ways to alleviate depression. This restriction is justified as there is a higher level of suicide among men and the charity's research shows that men are more likely to attend a single sex group.

### Example 2

The governing document of a charity set up for the advancement of amateur sport restricts the membership of a cricket club to women. It is accepted that the strength and stamina of the average woman is less than that of the average man. By restricting the cricket club to women the charity ensures fair competition.

Trustees of **membership associations** or clubs must be aware that the provisions of the SDO apply to membership associations and clubs. There is no threshold in terms of number of members but the association or club must be non-profit making.

## Section 8: Avoiding unlawful discrimination on the basis of sexual orientation

The Equality Act (Sexual Orientation) Regulations (EA(SO)R) make it unlawful to discriminate on grounds of sexual orientation in the provision of:

- goods, facilities or services
- premises
- education and
- public functions.

The **goods, facilities and services** must be available to the public or a section of the public and the discrimination includes refusal of a service or the provision of a lower standard of service. Discrimination of this kind is unlawful whether the service is paid for or free.

### Example 1

A charity is holding a concert to raise funds for its activities. It is open to the general public. When a gay man tries to buy a ticket he is refused entry. This is unlawful as the event is open to the public.

### Example 2

A charity is established to promote the mental health of young people who identify as gay by running a support group. It is lawful for the charity to restrict its benefits to this section of the public.

These regulations have a lengthy exception relating to religious organisations. Section 10 of this guidance has information about this exception. Trustees of **membership associations** or clubs must be aware that the provisions of the EA(SO)R apply to any membership association or club with 25 or more members.

## Section 9: Avoiding unlawful discrimination on the basis of religious belief and political opinion

The Fair Employment and Treatment Order 1998 (FETO) as amended prohibits discrimination on grounds of religious belief and political opinion in the area of:

- goods, facilities and services
- further and higher education
- disposal or management of premises
- employment.

FETO does not define religious belief other than to note that it includes a supposed religious belief and the absence of a religious belief.

Under FETO political opinion is not limited to Northern Ireland constitutional politics and may include political opinions relating to the conduct or government of the state, or matters of policy but not those which approve or accept the use of violence for political purposes in Northern Ireland.

FETO makes it unlawful for **goods, facilities or services**, which are available to the public, to be provided at a lower standard or refused on the basis of religious belief or political opinion. This is unlawful whether or not the goods, facilities or services are free or require payment.

Under the Charities Act a political purpose cannot be charitable. There is no exception available to this rule, therefore a charity cannot restrict its benefits to individuals with a particular political opinion.

### Example

It would be unlawful for a housing charity to refuse to rent a property to individuals on the basis that they did not share the same political opinion as the trustees.

FETO has an exception for charities that restrict their benefits to people of a particular religious belief or political opinion.

#### Example

A church restricts access to activities in its youth club to young people who are practising Christians. The purpose of the club is to further Christian belief among young people therefore this restriction is lawful as the purpose of the charity is to advance Christianity.

## Section 10: Exceptions for religious organisations

There are a number of exceptions for religious organisations contained within individual pieces of legislation.

### **Fair Employment & Treatment (NI) Order 1998 as amended (FETO)**

FETO (part 4) deals with the provision of **goods, facilities and services**. FETO uses the term 'religious denomination' but does not define this term. FETO allows religious discrimination by religious denominations where the essential nature of the goods, facilities and services require them to be provided to people who hold, or who do not hold, particular religious beliefs.

#### Example

The ministers of a church only offer a marriage ceremony within the church building to people who share the religious belief of the church. This would be lawful as the essential nature of this service requires them to be provided to people who hold these beliefs.

FETO has a general exception that allows Boards of Governors or the owners of schools to discriminate on the grounds of religious belief or political opinion when providing educational or non-educational goods, facilities and services to the public. FETO regulates schools in terms of employment however it does not apply to the recruitment of school teachers.

#### Example

It is lawful for a school's admission criteria to include a requirement that students share the religious belief of the church which owns the school.

## Sex Discrimination (NI) Order 1976 as amended (SDO)

SDO allows discrimination by organised religions where they are being provided in a place that is occupied by or for the purposes of that religion and where the sex restriction is necessary:

- to comply with the doctrines of that religion *or*
- to avoid offending the religious beliefs of a significant number of its followers

### Example

A Church refuses to ordain women as this contradicts a doctrine of their church and conflicts with the convictions of many of its members. This would be permitted using the exception for organised religions.

## Equality Act (Sexual Orientation) Regulations (NI) 2006 (EA(SO)R)

(EA(SO)R) includes an exception for religious organisations whose main purpose is to practice, advance or teach a religion or belief or to enable people of a religion or belief to receive a benefit or to engage in an activity, within the framework of that religion or belief. This exception does not apply to organisations with a commercial purpose, those providing a service on behalf of a public authority or to educational bodies.

### Example 1

A religious organisation has won a contract from the local council to deliver meals in the community. The charity cannot refuse to provide this service to a person of a different religion or homosexual orientation, if they qualify for the service.

### Example 2

It is lawful for a Church to refuse to ordain people with a homosexual orientation as this contradicts a doctrine of their church and conflicts with the convictions of many of its members.

## **Disability Discrimination Act 1995 as amended (DDA) and the Race Relations (NI) Order 1997 as amended (RRO)**

Neither the DDA nor the RRO permit an exception for religious organisations.

### **Trading and the Exception for Religious organisations**

The exception for religious organisations cannot be applied to organisations that are mainly commercial. Any organisation that has trading for profit as its primary purpose cannot be a charity. However, charities can establish companies or organisations to carry out non-charitable trading and donate any profits to the charity. Such companies cannot use the religious exception to discriminate against a person on the basis of their religious belief or sexual orientation.

Religious organisations that hire out premises need to be careful about refusing to rent their premises to groups or individuals. Being clear about how the refusal can be justified at the outset can avoid problems at a later stage. This exception is complex in its application so taking legal advice may be necessary.

#### **Example 1**

A religious charity owns and runs a bookshop. All profits from the shop are donated to the religious charity. The manager of the bookshop cannot use the religious exception to justify refusing to serve a customer who they know to be homosexual or of a different religious belief.

#### **Example 2**

A church refuses to allow a local yoga group to meet in the church hall as this would conflict with the strongly held beliefs of members of the church. The charity could justify this restriction using the religious and belief exception provided the use of the hall was not being offered on a commercial or rental basis.

## Appendix 1 Equality legislation

Below is a list of Northern Ireland legislation which contains equality provisions and a charity exemption. These may be changed or updated. The law is complex and may need to be interpreted.

### Age:

At present age discrimination law does not regulate the provision of goods, facilities and services but does apply to employment, vocational training and the provision of further and higher education.

### Disability:

#### ***Disability Discrimination Act 1995 as amended***

This law prohibits discrimination and harassment against disabled persons in relation to employment, vocational training and the provision of goods, facilities and services. Section 18C of the Act provides an exception for charitable organisations, but only in relation to employment and the provision of vocational training.

#### ***Special Educational Needs & Disability (NI) Order 2005***

This law prohibits disability discrimination against disabled persons in relation to the provision of primary, secondary and tertiary level education.

### Sex:

#### ***Sex Discrimination (NI) Order 1976 as amended***

These laws prohibits disability discrimination and harassment on the grounds of sex; pregnancy and maternity; gender reassignment and marital/civil partnership status. Article 44 of the Order provides for the charitable exception.

### Race:

#### ***Race Relations (NI) Order 1997 as amended***

This law prohibits discrimination and harassment on the grounds of race; colour; ethnic or national origins; nationality; belonging to the Irish Traveller community. Article 34 of the Order provides the charitable exception.

### Religious belief and political opinion:

#### ***Fair Employment & Treatment (NI) Order 1998 as amended***

This law prohibits discrimination and harassment on the grounds of religious belief and political opinion. Article 77 of the Order provides for the charitable exception.

## Sexual orientation:

### ***Employment Equality (Sexual orientation) Regulations (NI) 2003***

This law prohibits sexual orientation discrimination mainly in employment, but also in relation to services some services, such as the provision of vocational training and further and higher education.

### ***Equality Act (Sexual orientation) Regulations (NI) 2006***

This law prohibits discrimination in the provision of goods and services on the basis of sexual orientation, where 'sexual orientation' refers to:

- (a) a sexual orientation towards persons of the same sex;
- (b) a sexual orientation towards persons of the opposite sex;
- (c) a sexual orientation towards persons of the same sex and of the opposite sex.

## Glossary

Term	Definition
<p><b>Charitable purpose</b></p>	<p>This is defined by section 2 of the Charities Act (Northern Ireland) 2008 (as amended) as one that:</p> <ul style="list-style-type: none"> <li>• falls under one or more of the list of 12 descriptions of purposes set out in section 2(2) of the Charities Act and</li> <li>• is for the public benefit.</li> </ul> <p>To be a charity, an organisation must have purposes which are exclusively charitable in law.</p>
<p><b>Charities Act (Northern Ireland) 2008</b></p>	<p>The Charities Act (Northern Ireland) 2008 is the main piece of legislation establishing the Charity Commission for Northern Ireland and setting out its functions and powers.</p> <p>References to 'the Charities Act' are to the Charities Act (Northern Ireland) 2008, as amended. The full content of the 2008 Charities Act can be found at <a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a></p> <p>Not all of the sections of the Charities Act are in force yet. Details of the sections that are in force are available on the Commission's website <a href="http://www.charitycommissionni.org.uk">www.charitycommissionni.org.uk</a></p>
<p><b>Charities Act (Northern Ireland) 2013</b></p>	<p>The Charities Act (Northern Ireland) 2013 is a much shorter Act and was primarily brought in to amend the definition of a charity in the Charities Act (Northern Ireland) 2008.</p> <p>The full content of the 2013 Act can be found at <a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a></p>
<p><b>Charity trustees</b></p>	<p>These are the people who are legally responsible for the control and management of the administration of a charity. In the charity's governing document they may be called trustees, managing trustees, committee members, governors or directors or they may be referred to by some other title.</p> <p>Some people are disqualified by law from acting as</p>

	<p>charity trustees. These disqualifications are set out in the Charities Act and broadly include but are not limited to anyone who:</p> <ul style="list-style-type: none"> <li>• has been convicted of an offence involving deception or dishonesty, unless the conviction is a spent conviction under the Rehabilitation of Offenders (NI) Order 1978</li> <li>• is an undischarged bankrupt or has made an arrangement with creditors</li> <li>• has previously been removed as a trustee by the Commission or by the Courts</li> <li>• is subject to disqualification under company legislation.</li> </ul>
<b>Designated public body</b>	<p>A public authority is defined as designated by inclusion in certain statutory provisions and/or designation by the Secretary of State. A public authority can be designated as follows:</p> <ul style="list-style-type: none"> <li>(i) Departments, corporations or bodies listed in Schedule 2 to the Parliamentary Commissioner Act 1967 and designated for the purposes of this section by order made by the Secretary of State. These are mostly United Kingdom-wide public bodies;</li> <li>(ii) Bodies (other than the Equality Commission itself) listed in Schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996;</li> <li>(iii) Departments or other authorities listed in Schedule 2 to the Ombudsman (Northern Ireland) Order 1996;</li> <li>(iv) By insertion into the text of Section 75 (3) of the Northern Ireland Act 1998 by way of statutory amendment;</li> <li>(v) Any other person designated for the purpose of Section 75 by order made by the Secretary of State.</li> </ul>
<b>Equality characteristics</b>	<p>Unless certain circumstances apply, the legislation makes it unlawful to discriminate against a person on the basis of a particular characteristic, for example gender, race or age. In the guidance we refer to these as equality characteristics.</p>
<b>Goods, facilities and services</b>	<p>Are something which the public needs and which is provided in a planned way. The phrase refers to what members of professions or trades provide and</p>

	includes transport and the disposal and management of premises. In discrimination legislation the duties apply whether or not the goods, facilities and services are delivered free or for payment.
<b>Governing document</b>	A charity's governing document is any document which sets out the charity's purposes and, usually, how it is to be administered. It may be a trust deed, constitution, memorandum and articles of association, conveyance, Will, Royal Charter, Scheme of the Commission or other formal document.
<b>Membership association</b>	An organisation that allows people to subscribe, and often requires them to pay a membership fee or subscription. Membership association usually have a particular purpose, which involves connecting people together around a particular profession, industry, activity, interest, mission or geographical location. The association often involves promoting and enhancing a particular purpose. They vary in size and can be non-profit making or commercial and may be unincorporated or incorporated.
<b>Public benefit requirement</b>	This is the legal requirement that the purposes of an organisation must be for the public benefit if it is to be registered as a charity in Northern Ireland. By law, charity trustees must have regard to the Commission's <i>Public benefit requirement</i> statutory guidance.
<b>Reasonable adjustment</b>	The Disability Discrimination Act (1995) as amended does not define the phrase 'reasonable adjustment.' The interpretation depends on then individual circumstances of each case. Case law indicates that what is considered reasonable for a large organisation may be different to what is considered reasonable for a small organisation. The factors to be considered include: <ul style="list-style-type: none"> <li>• Size of organisation</li> <li>• Resources</li> <li>• Type of barrier to the service and can access be provided by changing how the service is delivered, providing equipment or changing a physical feature.</li> </ul>

<p><b>Section 49A of the Disability Discrimination Act 1995 (as amended)</b></p>	<p>Since 1 January 2007, section 49A of the Disability Discrimination Act 1995 has required public authorities, when carrying out their functions, to have due regard to the need to:</p> <ul style="list-style-type: none"> <li>• promote positive attitudes towards people with disabilities</li> <li>• encourage the participation of people with disabilities in public life.</li> </ul>
<p><b>Section 75 of the Northern Ireland Act (1998)</b></p>	<p>Section 75 and Schedule 9 to the Northern Ireland Act 1998 came into force on the 01 January 2000 and placed a statutory obligation on public authorities in carrying out their various functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity –</p> <ul style="list-style-type: none"> <li>• between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;</li> <li>• between men and women generally;</li> <li>• between persons with a disability and persons without; and</li> <li>• between persons with dependants and persons without.</li> </ul> <p>In addition, without prejudice to this obligation, Public Authorities are also required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion, and racial group.</p>

## Useful contacts

There are many resources that charity trustees can use to help them carry out their duties. This is not a definitive list of all the sources of information available. We would encourage trustees to make use of the wide range of organisations that can help.

### Department for Social Development

Lighthouse Building  
1 Cromac Place  
Gasworks Business Park  
Ormeau Road  
Belfast BT7 2JB  
**Telephone:** 028 9082 9000  
**Website:** [www.dsdni.gov.uk](http://www.dsdni.gov.uk)

### Department of Health, Social Services and Public Safety

Castle Buildings  
Stormont  
Belfast BT4 3SJ  
**Telephone:** 028 9052 0500  
**Website:** [www.dhsspsni.gov.uk](http://www.dhsspsni.gov.uk)

### Developing Good Governance Group

**Website:**  
[www.diycommitteeguide.org](http://www.diycommitteeguide.org)

### Equality Commission for Northern Ireland

Equality House  
Northern Ireland  
7–9 Shaftesbury Square  
Belfast BT2 7DP  
**Telephone:** 028 90 500 600  
**Website:** [www.equalityni.org](http://www.equalityni.org)

### Human Rights Commission for Northern Ireland

Temple Court  
39 North Street  
Belfast BT1 1NA  
**Telephone:** 028 9024 7844  
**Website:** [www.nihrc.org](http://www.nihrc.org)

### Northern Ireland Council for Voluntary Action (NICVA)

61 Duncairn Gardens  
Belfast BT15 2GB  
**Telephone:** 028 9087 7777  
**Website:** [www.nicva.org](http://www.nicva.org)

### Volunteer Now

129 Ormeau Road  
Belfast BT7 1SH  
Telephone: 028 9023 2020  
**Website:** [www.volunteernow.co.uk](http://www.volunteernow.co.uk)

## Useful supporting documents

*Running your charity guidance*

*Registering as a charity in Northern Ireland: guidance*

*The public benefit requirement: statutory guidance*

*Supporting documents on the 12 charitable purposes*

*Purposes and Public benefit toolkit*

*Starting a new charity*

*Promoting equality and diversity among volunteers*

## For charities which are also employers

Discrimination law is complex and subject to regular change. The Equality Commission for Northern Ireland has a wide range of advice and guidance available at [www.equalityni.org](http://www.equalityni.org) including:

*Unified Guide to promoting equal opportunities in employment*

*Outreach Positive Action: A guide to the law and good practice for employers*

## [If you are dissatisfied with our service](#)

The Commission is committed to delivering a quality service at all times. However, we know that sometimes things can go wrong. If you are dissatisfied with the service you have received, we would like to hear from you, and have a procedure that you can use. You will find further information on these processes in our guidance, *Making a complaint about our services*, which is on our website [www.charitycommissionni.org.uk](http://www.charitycommissionni.org.uk)

## Data protection

Any information you give us will be held securely and in accordance with the rules on data protection. Your personal details will be treated as private and confidential and safeguarded, and will not be disclosed to anyone not connected to the Charity Commission for Northern Ireland unless you have agreed to its release, or in certain circumstances where:

- we are legally obliged to do so
- it is necessary for the proper discharge of our statutory functions
- it is necessary to disclose this information in compliance with our function as regulator of charities where it is in the public interest to do so.

We will ensure that any disclosure made for this purpose is proportionate, considers your right to privacy and is dealt with fairly and lawfully in accordance with the Data Protection Principles of the Data Protection Act.

The Data Protection Act 1998 regulates the use of "personal data", which is essentially any information, whether kept in computer or paper files, about identifiable individuals. As a "data controller" under the Act, the Charity Commission for Northern Ireland must comply with its requirements.

## Freedom of Information

The Freedom of Information Act 2000 gives members of the public the right to know about and request information that we hold. This includes information received from third parties.

If information is requested under the Freedom of Information Act we will release it, unless there are relevant exemptions. We may choose to consult with you first if this relates to your consultation or application. If you think that information you are providing may be exempt from release if requested, please let us know.

**Further information on our activities is available from:**

Charity Commission for  
Northern Ireland  
257 Lough Road  
Lurgan  
Craigavon  
BT66 6NQ

[www.charitycommissionni.org.uk](http://www.charitycommissionni.org.uk)

Email: [admin@charitycommissionni.org.uk](mailto:admin@charitycommissionni.org.uk)

Tel: 028 3832 0220

Fax: 028 3834 5943

TextPhone: 028 3834 7639

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