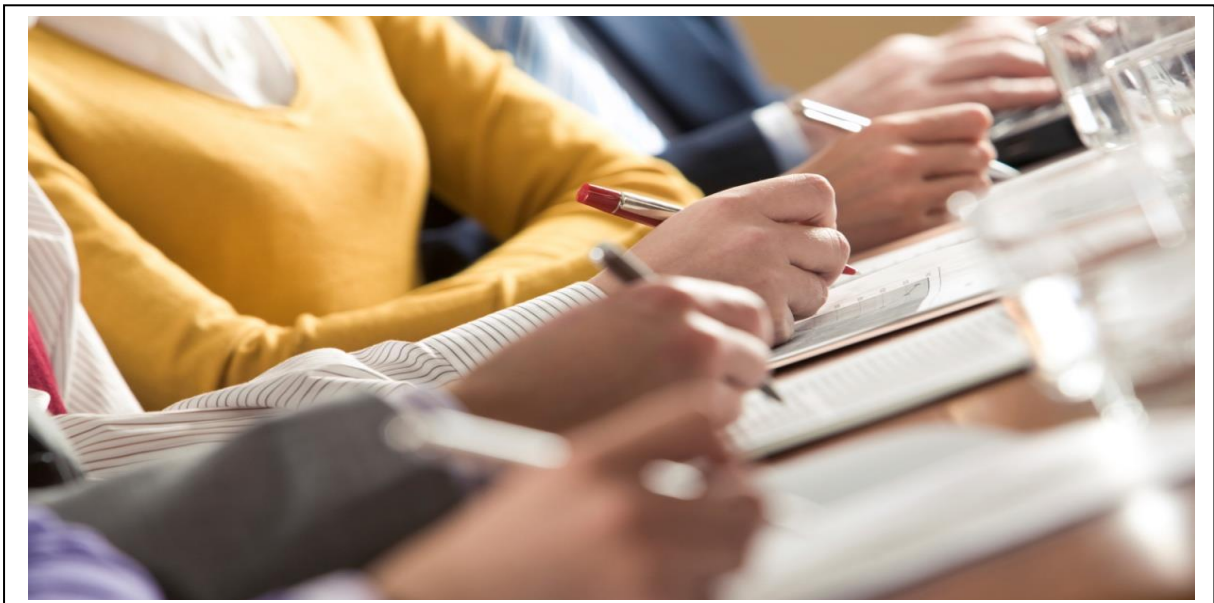


# Attending formal meetings

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Guidance for charities attending formal meetings with the Commission



## 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 Communities.

### 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

The Commission’s website has been designed to **W3C standards** of accessibility and includes a number of features to enhance accessibility for a wide range of individuals. These include colour contrast and resize options. Materials may be made available in alternative formats on request. 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.

Please check our website [www.charitycommissionni.org.uk](http://www.charitycommissionni.org.uk) to make sure you’re using the latest versions of forms and guidance.

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# Section 1: Overview

The Charity Commission for Northern Ireland (the Commission) is aware that in certain circumstances **charity trustees**, officers, agents or employees may be required to attend formal face-to-face meetings with the Commission, during the course of its work. Throughout this guidance charity trustees/officers/agents/employees are collectively referred to as 'stakeholders'.

The purpose of this policy is to provide clear guidance in respect of formal meetings between the Commission and its stakeholders, and where applicable, **third parties** accompanying them.

## 1.1 What does this guidance cover?

The Commission may request a stakeholder to attend a formal meeting with the Commission in relation to, amongst other things:

- an ongoing concern or inquiry
- an application for registration
- a casework application, or
- the provision of self-regulatory guidance.

The following policy outlines the responsibilities of the Commission, its stakeholders, and others in attendance. It covers the arrangement and conduct of meetings, who can attend and what role they will play.

This policy is limited to formal meetings between the Commission and its stakeholders. Normally, the purpose of these meetings is to obtain or impart critical information in furtherance of the Commission's statutory remit.

Occasionally, formal meetings may take place that require additional procedures or conditions to be met by the Commission and its stakeholders. If applicable, the Commission will inform stakeholders of these in advance.

## 1.2 What does this guidance not cover?

General meetings held by the Commission, for example, training events, workshops, meetings with voluntary umbrella bodies, other statutory agencies and/or individuals for the purposes of collaborative working, are governed by the Commission's [Customer Charter](#) and other [service standard policies](#).

## **Key terms used in this guidance**

The following are some key terms that it will be useful to understand when reading this guidance. They, and other terms, are listed in a glossary at Appendix 1.

### **Third party:**

A third party is a person who is not directly involved in a case but who may, with the consent of the stakeholder, attend a meeting with the Commission to provide support to the stakeholder.

## Section 2: Formal meetings with the Commission

The Commission aims to provide the highest possible standards and quality of service to all our stakeholders. Our *Customer Charter*, sets out the level of service customers and stakeholders can expect to receive when dealing with staff at all times, including formal meetings with the Commission.

The Commission will:

- welcome customers and stakeholders and make sure they are comfortable
- be punctual, polite and professional, and
- take account of identified communication and accessibility needs.

### 2.1 Who can attend and in what capacity?

Third parties who may accompany stakeholders to formal meetings with the Commission include 'professional advisors', such as a solicitor or accountant, a friend or any third party that the trustees consider can support them, and who is familiar with charity work.

Charity trustees cannot normally abdicate their responsibilities as trustees to any third parties in attendance. Where an accompanying solicitor or accountant is better placed to provide **additional** legal or financial clarification with regards to a matter raised by the Commission, they may do so at the request of their client.

Some people attending formal meetings find it useful to have someone there with them, even though the accompanying party may play no other part in the process. The role of third parties accompanying a stakeholder to a meeting is primarily to provide general support or advice. They may also assist the stakeholder by taking their own notes of the meeting, however, making an audio (sound) recording of the meeting is not permitted. Third parties must not seek to answer questions directed specifically at a stakeholder, or seek to prevent the Commission from speaking or conducting the meeting as necessary.

In formal meetings with the Commission the number of third parties who can accompany a stakeholder to the meeting is restricted to one. Costs associated with third party attendance are the responsibility of the

individual or the charity, where applicable. Trustees are reminded that any decision to expend charity resources should be taken in the best interests of the charity.

Consideration will be given to the needs of individuals with specific communication or access needs in line with the Commission's published Equality Scheme and Action Plan.

## **2.2 Notice of third party attendance**

Stakeholders wishing to be accompanied by a third party including a qualified professional, such as the charity's appointed solicitor or accountant, must make arrangements to ensure the Commission is notified of their intention to do so at least five working days before the meeting is due to take place. This can be done via email, and the notification must come from an officer of the charity.

## **2.3 What will the Commission consider?**

The Commission will assess its own legal obligations and the accessibility needs of the stakeholder and third parties.

The Commission will consider all available information in order to reach a decision that is fair, proportionate and consistent. For example where a meeting may involve sensitive issues, consideration will be given to the following factors:

- Whether the benefits of allowing a third party to attend outweigh any risks.
- Where the purpose of the meeting is to investigate possible mismanagement or misconduct and sensitive information about the charity is likely to be discussed, and whether the board of trustees has consented to the third party attending on this basis.

We will communicate our decision in writing two working days prior to the meeting and where we have decided not to allow third parties to attend the meeting we will set out the reasons why in our letter.

## Appendix 1: Glossary

Term	Definition
<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. The full content of the 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>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. Some people are disqualified by law from acting as 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>
<p><b>Third Party</b></p>	<p>A third party is a person who is not directly involved in a case but who may, with the consent of the stakeholder, attend a meeting with the Commission to provide support to the stakeholder.</p>
<p><b>W3C Standards</b></p>	<p>W3C accessibility standards consist of a set of guidelines for making content accessible especially to those web users who have a disability. This standard is recognised internationally.</p>



## Useful links and guidance

*CCNI EG024 Running your charity*

*ARR01. Charity reporting and accounting: guidance summary*

*ARR02. Charity reporting and accounting: the essentials*

*ARR03. Receipts and Payments accounts*

*ARR04. Accruals accounts*

*ARR05. How to complete the annual monitoring return*

*ARR06. Charity reporting: Interim arrangements and the annual monitoring return*

*ARR07. Independent examination of charity accounts: examiner's guide*

*ARR08. The trustees' annual report and public benefit reporting*

*PBR1 Public benefit requirement guidance*

*CCNI EG046 Making payments to trustees*

*CCNI EG043 Equality guidance for charities*

*Receipts and payments toolkit*

*The Charities (Accounts and Reports) Regulations (Northern Ireland) 2015*

Further guidance is available on the Commission's website at [www.charitycommissionni.org.uk](http://www.charitycommissionni.org.uk)

*Department for Business Innovation & Skills* - publishes a number of helpful leaflets explaining the requirements of company law.

*HM Treasury* - HM Treasury guidance on the Proceeds of Crime Act 2002 and associated Money Laundering Regulations

Website of the developing governance group: [www.diycommitteeguide.org](http://www.diycommitteeguide.org)

## Useful contacts

We would encourage charity trustees to make use of the wide range of organisations that can help them run their charity as effectively as possible.

Charity Commission  
for England and  
Wales (CCEW)

PO Box 211  
Bootle  
L20 7VX

**Telephone:** 0300 066 9197

**Website:**

[www.gov.uk/government/organisations/charity-commission](http://www.gov.uk/government/organisations/charity-commission)

Companies House

Companies House Northern Ireland  
Second Floor, The Linenhall  
32 - 38 Linenhall Street  
Belfast, BT2 8BG

**Telephone:** 0303 1234 500

**Website:**

[www.gov.uk/government/organisations/companies-house](http://www.gov.uk/government/organisations/companies-house)

Department for  
Communities

Lighthouse Building  
1 Cromac Place  
Gasworks Business Park  
Ormeau Road  
Belfast  
BT7 2JB

**Telephone:** 028 9082 9000

**Website:** [www.communities-ni.gov.uk](http://www.communities-ni.gov.uk)

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)

Office of the Scottish  
Charity Regulator  
(OSCR)

OSCR  
2<sup>nd</sup> Floor  
Quadrant House  
Dundee

**Telephone:** 01382 220446

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

The Charity Tribunal      Tribunals Hearing Centre  
2nd Floor, Royal Courts of Justice  
Chichester Street  
Belfast  
BT1 3JF

**Telephone:** 0300 200 7812  
**Website:** [www.courtsni.gov.uk/en-GB/Tribunals/CharityTribunal](http://www.courtsni.gov.uk/en-GB/Tribunals/CharityTribunal)

The Law Society of  
Northern Ireland      96 Victoria Street  
Belfast  
BT1 3GN

**Telephone:** 028 9023 1614  
**Website:** [www.lawsoc-ni.org.uk](http://www.lawsoc-ni.org.uk)

## 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)

# Freedom of Information and data protection

## 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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