



Minutes of Board Meeting No. 88 held on Monday 25 January 2021 at 9:30am by video conference.

Present:

Nicole Lappin, Chief Charity Commissioner (Chair)
Gerard McCurdy, Deputy Chief Charity Commissioner
Kieran Donaghy, Charity Commissioner
Séamus Magee, Charity Commissioner
Hugh McKeag, Charity Commissioner
Carmel Mullan, Charity Commissioner

In Attendance:

Frances McCandless, Chief Executive
Sarah Finnegan, Head of Compliance & Enquiries
Aubrey McCrory, Head of Corporate Services
Punam McGookin, Head of Charity Services
Nuala O'Hare, Board Apprentice
Alice Campbell, Minutes
Cheryl Robinson, Business Consultancy Services (item 5d only)
Rhona Reid, Business Consultancy Services (item 5d only)

The Chief Charity Commissioner welcomed everyone to the meeting

1. Minutes of Meeting 14 December 2020 No 86

Following discussion the minutes of the meeting held on 14 December 2020 were agreed as a true and correct record subject to minor amendments, as proposed by Gerard McCurdy and seconded by Kieran Donaghy.

Action Points were examined and it was agreed to remove two of them.

AP1: Minutes of Board Meeting No 86 to be published on CCNI website.

AP2: Minutes of the Special Board Meeting No 87, 18 January 2021 to be presented to the next meeting

2. Conflicts of Interest

None.

3. Chair's Business, Correspondence and Meetings

The Chair briefed the Board on a recent meeting with the previous Minister Carál Ní Chiulín, and noted she intended to continue to build relations with Minister Deirdre Hargey, following her return to post. It was confirmed sponsor department had agreed terms of reference for the review by

independent counsel of complaints relating to two statutory inquiries. Following a query it was confirmed the Commission was still awaiting sight from sponsor department of the terms of reference for the Ministerial review of charity legislation and the Commission.

The Chair reported detailed correspondence related to two statutory inquiries continued to be received and she intends to refer a number of complaints to independent counsel so they will be dealt with through that review mechanism.

It was noted a recent Commissioner level complaint had been referred to sponsor Department and that legal advice was being sought following receipt of correspondence regarding potential litigation.

An update was given on the facilitated business planning event and following discussion it was agreed this will be held on 26 February 2021.

The Chair commended Clare McElherron (Finance & Admin Officer) for her work to roll out new integrated governance software and offering individual support to Commissioners.

4. Chief Executive's Report

The CEx introduced her report and highlighted the steps to finalise the current phase of work on the risk assessment framework. Following discussion it was agreed to arrange a separate demonstration session for Commissioners.

The CEx updated Commissioners on litigation and recent developments concerning a complaint to the Public Accounts Committee and it was agreed to share the review by independent counsel terms of reference with the Northern Ireland Audit Office.

Plans for establishing a stakeholder forum were discussed and the Board supported the approach of an independent chair. The importance of ensuring representation across the equality categories in the forum was underlined.

The CEx gave an update on the recent UK and Ireland charity regulators' meeting and lessons shared in terms of legislative review.

AP3: Demo of current phase of the risk framework to be arranged for Commissioners

AP4: CEx to share terms of reference with NIAO.

AP5: Potential independent chair of stakeholder forum to be identified.

5. Policies and Processes

a. Sharing of Information with DfC Board Paper

The Head of Corporate Services introduced the paper concerning the routine sharing of administrative information by staff with DfC. Following discussion the Board agreed the approach proposed in principle, subject to further legal advice being sought, as proposed by Nicole Lappin and seconded by Gerard McCurdy.

AP6: further legal advice on sharing to be circulated to Commissioners.

b. Amendments to Standing Orders

The Head of Charity Services highlighted the amendments and following discussion, arrangements for the use of the seal were agreed. It was noted that this was especially important during remote working, as proposed by Séamus Magee and seconded by Carmel Mullan.

Confirmation that current circulation of board papers was in keeping with Standing Orders was noted.

AP7: Arrangements for the use of seal to be implemented.

d. Business Consultancy Services

The Chair indicated this agenda item would be taken out of sequence and welcomed the staff from Business Consultancy Services (BCS) to the meeting. An introduction and overview of BCS's approach to the Board's external effectiveness review were given. Following discussion, it was agreed to include a skills analysis in the approach, extend involvement to include the independent member of the A&RA committee and that a draft report would be considered at the March Board meeting.

AP8: CEx to liaise with Caron Alexander

AP9: Review report to be included on March Board agenda.

Seamus Magee left the meeting at 12.25pm

c. Paper on potential legislative amendments as part of review

The Head of Charity Services presented the paper. A number of matters were discussed for potential highlighting to the Minister's review panel, including previous issues identified in England and Wales which went on to be covered by the Charities Protection Act 2016.

Commissioners discussed future operating models noting these will be based on risk to make best use of finite resources. Potential future models of decision making and policy positions on a number of matters were also explored.

AP10: CEx to liaise with NICVA to understand policy positions
AP11: Staff to produce further analysis of evidence gathered from regulation thus far and how this might inform policy.
AP12: CEx to share outcome of discussions with sponsor team.

6. Reports from sub-committees

Schedule 1 committee

11 December 2020 – noted with minor amendments.

7. Charity Services Report

The Head of Charity Services introduced her report and Commissioners noted a range of casework in progress. An initial overview was given of results from the Public Trust and Confidence research that was underway. Commissioners noted the recent Human Rights Training which received excellent feedback.

8. Compliance and Enquiries report

The Head of Compliance & Enquiries introduced her report and highlighted a range of progress. An overview was provided of work to develop systems to facilitate submission of Annual Monitoring Returns by recently registered charities. The problem of charities uploading Annual Monitoring Returns which contained confidential and personal information to public view was reviewed.

The Board discussed a case involving the potential for another regulator to use its powers in place of the Commission and the need for further work by staff was noted.

9. Corporate Services Report

The Head of Corporate Services outlined the report and gave an overview of the budget and business plan progress to date which was on a par with the same period last year.

Following discussion of a proposal regarding implementation of the Commission's retention and disposal schedule the Board agreed to a blanket review and to temporarily halt decisions to destroy records until a scheme of delegation was in place as proposed by Gerard McCurdy and seconded by Kieran Donaghy.

Following discussion, a series of proposed amendments to data management procedures to reflect a more risk-based approach to handling subject access requests were agreed as proposed by Hugh McKeag and seconded by Kieran Donaghy.

The Chair acknowledge support from admin staff in taking forward her role and Commissioners congratulated staff on delivering the business plan to a similar level as last year despite remote working amidst the pandemic.

AP13: Disposal of records under the Retention and disposal schedule to be suspended

AP14: Revised information management manual version 5 to be implemented.

10. Issues for next meeting 22 March 2021

Issues proposed for the next meeting were

- Issues from A&RA committee
- Issues from HR committee
- Draft updated Business/Strategic plans
- Draft research strategy
- Review of Access to Information Policy (DPA/FOI)
- Plans for AMR online form
- Presentation from BCS
- Update on Ministerial Review
- Helper Group Survey results
- MSFM compliance review
- Legal update

11. AOB

Comments were noted on performance of new governance software.

Meeting ended at 1.10 pm

Register of Outstanding Action Points

Board Meeting and Action Point Number	Date Raised	Agenda Item	Action	Owners	Status
88(1)	25/01/2021	1	Minutes of Board Meeting No 86 to be published on CCNI website.	HCorpS	Complete
88(2)	25/01/2021	1	Minutes of the Special Board Meeting No 87, 18 January 2021 to be presented to the next meeting	HCorpS	Complete
88(3)	25/01/2021	4	Demo of current phase of the risk framework to be arranged for Commissioners.	HCorpS	Underway
88(4)	25/01/2021	4	CEx to share terms of reference with NIAO.	CEx	Complete
88(5)	25/01/2021	4	Potential independent chair of stakeholder forum to be identified.	CEx	Complete
88(6)	25/01/2021	5a	Further legal advice on sharing to be shared with Commissioners.	HCE	Complete
88(7)	25/01/2021	5b	Arrangements for the use of seal to be implemented.	HChS	Underway
88(8)	25/01/2021	5d	CEx to liaise with Caron Alexander.	CEx	Complete
88(9)	25/01/2021	5d	Review report to be included on March Board agenda.	HCorpS	Complete
88(10)	25/01/2021	5c	CEx to liaise with NICVA to understand policy positions.	CEx	Complete
88(11)	25/01/2021	5c	Staff to produce further analysis of evidence gathered from regulation thus far and how this might inform policy.	CEx	Complete

88(12)	25/01/2021	5c	CEx to share outcome of discussions with sponsor team.	CEx	Complete
88 (13)	25/01/2021	9	Disposal of records under the Retention and disposal schedule to be suspended.	HCorpS	Underway
88(14)	25/01/2021	9	Revised information management manual version v5 to be implemented.	HCorpS	Complete
87(1)	18/01/2021	2	Instruct legal adviser to withdraw opposition to the proceedings.	HCE	Complete
86(1)	14/12/2020	1	Minutes of Board Meeting No 85 to be published on CCNI website.	HCorpS	Complete
86(2)	14/12/2020	3	Commissioners to be booked to attend the 2021 Leadership and Governance conference.	HCorpS	Underway
86(3)	14/12/2020	4	BCS to join Board meeting January 2021	CEx	Complete
86(4)	14/12/2020	5a	Complaints manual version 5.0 to be implemented going forward	HCorpS	Complete
86(5)	14/12/2020	5a	Workshop to be scheduled after Easter to allow Board to discuss concerns about governance flowchart.	CEx	Underway
86(6)	14/12/2020	5b	TOR to be finalised and forwarded to sponsor department for information	HCorpS	Complete
86(7)	14/12/2020	5b	Additional temp resources to be put in place to support the administration of the further review by independent Counsel work.	HCorpS	Postponed
86(8)	14/12/2020	5c	Customer charter version 4 to be implemented going forward.	HCorpS	Complete
86(9)	14/12/2020	5d	The Charities (Annual Return) Regulations Northern Ireland 2020 to be published on the Commission's website.	HCorpS	Complete
86(10)	14/12/2020	5d	Official seal to be affixed by staff to the Charities (Annual Return) Regulations Northern Ireland 2020	HCorpS	Complete

86(11)	14/12/2020	5e	Draft 2021/22 Business Plan to be submitted to sponsor department.	HCorpS	Complete
86(12)	14/12/2020	5i	Commission to write the to the Tribunal.	CEx	Complete
86(13)	14/12/2020	6c	Revised internal assurance checking to be implemented.	HCorpS	Complete
86(14)	14/12/2020	7	Publishing our Decisions policy version 5 to be implemented going forward.	HChS	Underway
86(15)	14/12/2020	7	Name change manual version 3 to be implemented going forward.	HChS	Underway
86(16)	14/12/2020	7	Schedule 1 meetings in 2021 to be circulated.	HChS	Complete
86(17)	14/12/2020	7	Session for Commissioners to discuss Schedule 1 committee operation to be set up in March.	CEx	Complete
86(18)	14/12/2020	9	Paper to February HR Committee on remote working.	HCorpS	Postponed
86(19)	14/12/2020	11	Briefing materials on possible legislative developments to be developed to inform Commissioners.	CEx	Complete
85(3)	09/11/20	3	Commissioners are to join in on staff welfare events.	HCorpS	Underway
85(4)	09/11/20	4a	Minutes of 31 March 2020 meeting to be amended and signed by the Chief Commissioner.	HCorpS	Underway
85(5)	09/11/20	4b	New enquiries 'concerns about charities' on line form to be implemented	HCE	Underway
84(6)	28/09/2020	5	Registration Manual version 16.0 to be implemented.	HChS	Complete
84(10)	28/09/2020	8d	Chief Commissioner to nominate a Board member to undertake the oversight role.	Chief Comm	Underway
84(14)	28/09/2020	9c	Monthly SCH 1 committee meetings to be trialed until Christmas and then reviewed.	HChS	Complete

83 (6)	22/06/2020	7	Séamus to raise, through the A&RA Chairs' forum, the need for those using the NICS shared ICT services to have software to effectively support remote working.	S Magee	Underway
79 (8)	27/01/2020	9d	Development of CSR strategy to be included in 2021/22	HCorpS	Postponed
73 (8)	13/05/19	9(d)	Research strategy to include a baseline and evaluation of comms work	HChS	Complete