



Minutes of Board Meeting No. 86 held on Monday 14 December 2020 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
Clare McElherron, Minutes
Anne-Marie Watts, staff observing
Nicola Fisher, staff observing

Apologies: Nuala O'Hare, Board Apprentice

The Chief Charity Commissioner welcomed everyone to the meeting

1. Minutes of Meeting 9 November 2020 No 85

Following discussion the minutes of the meeting held on 9 November 2020 were agreed as a true and correct record subject to minor amendment, as proposed by Kieran Donaghy and seconded by Gerard McCurdy.

AP1: Minutes of Board Meeting No 85 to be published on CCNI website.

2. Conflicts of Interest

None.

3. Chair's Business, Correspondence and Meetings

The Chair briefed the Board on recent correspondence from the Minister and Commissioners welcomed the Minister's review of charities legislation and the Commission on foot of the Court of Appeal judgment (Feb 2020). Further details of the terms of reference, timescale and Board input were requested. It was noted sponsor Department had secured Executive agreement to a legislative amendment being progressed in the next financial year.

The Chair thanked Commissioners for their time commitments and asked that they keep a record of such for future discussion with sponsor department regarding assumptions about Commissioner remuneration.

It was agreed all Commissioners would be booked to attend the 2021 Leadership and Governance conference. Details of the external facilitator Business Consultancy Services (BCS) to assist the Board effectiveness review and plans to progress Commissioners' reviews were noted.

AP2: Commissioners to be booked to attend the 2021 Leadership and Governance conference.

4. Chief Executive's Report

The CEx introduced her report and confirmed plans for BCS to join the January Board meeting to introduce their team. Work in hand to progress a staff survey in quarter four and provide an initial response to an employment tribunal claim was outlined.

The Board discussed correspondence received from the Committee for Communities regarding a remark about delays in the Commission's performance operating Section 167. It was noted the CEx had responded to the committee highlighting the section had not been commenced and the organisation that raised it had also written to the committee highlighting their error. Commissioners noted the committee had not invited the Commission to appear.

AP3: BCS to join Board meeting January 2021

5. Policies and Processes

a. Revisions to complaints manual and concerns flowchart

The CEx introduced the paper and highlighted several minor changes proposed to the complaints manual in light of operating internal process. The revisions were agreed as proposed by Séamus Magee and seconded by Carmel Mullan.

Commissioners discussed the concerns flowchart, noting the operational context of their involvement in regulatory decision making and routine complaint escalation in certain legacy cases. The Board resolved its involvement in complaints going forward should be on a very limited basis and as a last resort. Given further guidance from Department of Finance on handling concerns about governance was expected shortly, it was agreed to have further discussion on the concerns flowchart after Easter.

AP4: Complaints manual version 5.0 to be implemented going forward

AP5: Workshop to be scheduled after Easter to allow Board to discuss concerns about governance flowchart.

b. Assurances to DfC and plans for further independent review

The CEx highlighted progress to date on providing assurances to sponsor department on a previous statutory inquiry and work undertaken by staff. The Board reviewed the opinion provided by Counsel and concluded the initial work had been positive and provided them with reassurance. The Chair confirmed they would now provide interim assurances to sponsor department and would report more fully when further independent review work was complete. The Chair undertook to circulate the draft assurance for all Commissioners to review before submission.

Draft terms of reference (TOR) and timescale for further independent review work was discussed and agreed subject to minor amendment as proposed by Séamus Magee and seconded by Hugh McKeag. Commissioners noted the Chair intended to meet with counsel and that additional temp resources would be put in place to support the administration of this further work as it included the opportunity for those affected to engage with counsel.

AP6: TOR to be finalised and forwarded to sponsor department for information

AP7: Additional temp resources to be put in place to support the administration of the further independent review work.

c. Customer Charter amendments

The Head of Corporate Services highlighted previous work to develop the charter and following discussion a number of amendments were agreed as proposed by Hugh McKeag and seconded by Carmel Mullan.

AP8: Customer charter version 4 to be implemented going forward.

d. Annual return regulations

The Head of Compliance & Enquiries introduced the Charities (Annual Return) Regulations Northern Ireland 2020 which were adopted following consideration as proposed by Gerard McCurdy and seconded by Carmel Mullan. The Board directed a member of staff to affix the official seal as proposed by Kieran Donaghy and seconded by Carmel Mullan.

AP9: the Charities (Annual Return) Regulations Northern Ireland 2020 to be published on the Commission's website.

AP10: Official seal to be affixed by staff to the Charities (Annual Return) Regulations Northern Ireland 2020.

e. Final draft business plan

The Head of Corporate Services introduced the redrafted 2021/22 Business Plan which reflected amendments requested by Commissioners. It was agreed further planning work would be undertaken when information was available on budget parameters, the Minister's review and legislative amendment programme. It agreed to submit the current draft at this time

to sponsor department, as per the MSFM, as proposed by Gerard McCurdy and seconded by Kieran Donaghy.

AP11: Draft 2021/22 Business Plan to be submitted to sponsor department.

f. Pre-registration closure manual

The Head of Compliance & Enquiries introduced the manual and highlighted the criteria for managing risks related to disposal of assets and case management arrangements. The manual was adopted as proposed by Séamus Magee and seconded by Carmel Mullan.

g. NIPSO report

The Chair indicated the report, which was previously discussed by the Board, was included on the agenda for completeness following its publication by NIPSO.

h. Legal update

The update was noted.

i. Tribunal case

The Head of Compliance and Enquiries outlined the current position with proceedings brought out of time to the Charity Tribunal. The Chair offered a number of observations as the legally qualified Commissioner and the Board discussed procedural considerations. It was agreed to respond under the rules indicating the appellant had no standing and the Commission would play no active role in proceedings as proposed by Gerard McCurdy and seconded by Carmel Mullan.

AP12: Commission to write the to the Tribunal

j. Brexit update

Paper noted.

6. Reports from sub-committees

Issues from A&RA committee

a) Minutes of meeting 15 September 2020

Proposed by Carmel Mullan and seconded by Gerard McCurdy

b) Risk register

The review by A&RA committee and changes to risk levels was agreed as proposed by Kieran Donaghy and seconded by Hugh McKeag.

c) Assurance Mapping

The Head of Corporate Services outlined the paper and, following discussion, the Board adopted the mapping approach and also changes

in internal assurance checking as proposed by Gerard McCurdy and seconded by Carmel Mullan.

AP 13: Revised internal assurance checking to be implemented.

Decision notes: Schedule 1 committee

- d) 10 March 2020 (missed previously) - noted
- e) 9 October 2020 - noted
- f) 23 October 2020 - noted
- g) 20 November 2020 - noted

7. Charity Services Report

The Head of Charity Services introduced her report and highlighted a number of items requiring Commissioner endorsement. Following discussion it was agreed publication decisions in relation to Section 24 would be taken by a Schedule 1 committee and the policy on Publishing our Decisions would be amended to reflect such as proposed by Gerard McCurdy and seconded by Kieran Donaghy.

AP14: Publishing our Decisions policy version 4 to be implemented going forward

A minor administrative change to the Name Change manual was agreed as proposed by Hugh McKeag and seconded by Carmel Mullan.

AP15: Name change manual version 3 to be implemented going forward

Commissioners discussed the operation of Schedule 1 meetings and agreed to extend the current trial of monthly meetings until end of March 2021 as proposed by Séamus Magee and seconded by Hugh McKeag. Dates of Schedule 1 meetings in 2021 to be circulated and Commissioners to discuss operation of the Schedule 1 committee in March.

AP16: Schedule 1 meetings in 2021 to be circulated

AP17: Session for Commissioners to discuss Schedule 1 committee operation to be set up in March.

8. Compliance and Enquiries report

The Head of Compliance & Enquiries introduced her report. Commissioners noted recent coverage of the report into Karmel City Church and additional information provided on older cases as requested at the November meeting. Arrangements to bring a proposal to the next Board meeting to share information with sponsor department regarding a concern were accepted.

9. Corporate Services Report

The Head of Corporate Services outlined the report and addressed a number of queries regarding service performance and budget spend. The potential need for an in year bid for additional resourcing to support the independent review item 5b was noted.

Following consideration of a further update on activation of the business continuity plan in response to the pandemic it was agreed to stand down the plan and manage service delivery going forward as the new normal as proposed by Carmel Mullan and seconded by Séamus Magee.

Commissioners discussed remote working arrangements and support for staff. It was agreed to bring forward a paper on future remote working arrangements to the HR Committee in February.

AP18: Paper to February HR Committee on remote working.

10. Issues for next meeting 25 January 2020

Issues proposed for the next meeting were noted.

11. AOB

The Board discussed work to identify potential legislative developments to inform the Minister's review of the legislation. It was agreed briefing materials would be developed to inform Commissioners.

The Chair expressed season's greetings to other Commissioners and staff and expressed sincere thanks for all their work during the past year especially given all the challenges that arose.

AP19: briefing materials on possible legislative developments to be developed to inform Commissioners.

Meeting ended at 12.40 pm

Register of Outstanding Action Points

Board Meeting and Action Point Number	Date Raised	Agenda Item	Action	Owners	Status
86(1)	14/12/2020	1	Minutes of Board Meeting No 85 to be published on CCNI website.	HCorpS	Underway
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	Underway
86(4)	14/12/2020	5a	Complaints manual version 5.0 to be implemented going forward	HCorpS	Underway
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	Underway
86(7)	14/12/2020	5b	Additional temp resources to be put in place to support the administration of the further independent review work.	HCorpS	Underway
86(8)	14/12/2020	5c	Customer charter version 4 to be implemented going forward.	HCorpS	Underway
86(9)	14/12/2020	5d	The Charities (Annual Return) Regulations Northern Ireland 2020 to be published on the Commission's website.	HCorpS	Underway
86(10)	14/12/2020	5d	Official seal to be affixed by staff to the Charities (Annual Return) Regulations Northern Ireland 2020.	HCorpS	Underway
86(11)	14/12/2020	5e	Draft 2021/22 Business Plan to be submitted to sponsor department.	HCorpS	Underway

86(12)	14/12/2020	5i	Commission to write the to the Tribunal	CEx	Underway
86(13)	14/12/2020	6c	Revised internal assurance checking to be implemented.	HCorpS	Underway
86(14)	14/12/2020	7	Publishing our Decisions policy version 4 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	Underway
86(17)	14/12/2020	7	Session for Commissioners to discuss Schedule 1 committee operation to be set up in March.	CEx	Underway
86(18)	14/12/2020	9	Paper to February HR Committee on remote working.	HCorpS	Underway
86(19)	14/12/2020	11	Briefing materials on possible legislative developments to be developed to inform Commissioners.	CEx	Underway
85(2)	09/11/20	3	Board to hold a session on concerns and complaints.	CEx	Underway
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
85(6)	09/11/20	4c	Further draft business plan is to be considered at the December meeting.	HCorpS	Complete
85(7)	09/11/20	4d	Run the next quarterly pulse survey as part of the forthcoming bi annual staff engagement survey exercise.	HCorpS	Complete

85(8)	09/11/20	6	Procure external support for the Board Effectiveness Review.	CEx	Complete
85(9)	09/11/20	6	December Board meeting to review the complaints about service handling process.	CEx	Complete
85(10)	09/11/20	7	Bring forward additional information on progress of older cases in the next Board report.	HCE	Complete
85(12)	09/11/20	8	Bring forward additional information on progress of older cases in the next Board report.	HCE	Complete
84(6)	28/09/2020	5	Registration Manual version 16.0 to be implemented.	HChS	Underway
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 trialled until Christmas and then reviewed.	HChS	Underway
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	Underway
73 (2)	13/05/19	4	CEx to arrange Fundraising Regulator briefing for all Commissioners and Staff	CEx	Underway
73 (8)	13/05/19	9(d)	Research strategy to include a baseline and evaluation of comms work	HChS	Underway
56-12	12/12/16	18	MOU with CRA to be drafted	HChS	Underway