



**Minutes of Board Meeting No. 46 held on Monday 22 June 2015
at 9.30am, 257 Lough Road, Lurgan.**

Present:

Tom McGrath, Chief Commissioner
Walter Rader, Deputy Chief Commissioner
Rosemary Connolly, Commissioner (Legal)
Geraldine Donaghy, Commissioner
Brenda Maitland, Commissioner
Seamus Magee, Commissioner

In Attendance:

Frances McCandless, Chief Executive
Aubrey McCrory, Head of Corporate Services
Myles McKeown, Head of Compliance and Enquiries
Punam McGookin, Head of Charity Services
Kathryn Jennett, Administrative Officer

Apologies

Norman Bennett, Commissioner

The Chair welcomed Seamus Magee to the Commission and his first Board meeting.

1. Minutes of Meeting 18 May 2015

Following discussion of the minutes of the meeting held on 18 May 2015 they were proposed by Walter Rader and seconded by Rosemary Connolly, and subject to minor amendment, agreed as a true and correct record.

AP 1: Board minutes to be published on CCNI website

2. Conflicts of Interest

The Chair reminded Commissioners of the Freedom of Information protocol and the need to declare any conflicts of interest prior to the meeting. No conflicts were declared.

3. Chair's Business, Correspondence and Meetings

The chair advised that he and the Chief Executive recently met with Joanne Dobson MLA and Ross Hussey MLA in connection with the Commission's enquiry work. The Chair confirmed that the Attorney General will be the speaker at the Public Meeting which will take place on 21 September 2015 in

Duncairn Arts Centre. The Board also congratulated Walter Rader on his appointment as Interim Social Fund Commissioner.

4. Chief Executive's Report

The Chief Executive introduced the report to the Board and advised that the Minister had approved the 2015-16 Business plan and associated budget for the next year, noting this was within the context of the Executive's overall budget situation. The board discussed the Educational Endowment provisions and the scale of various schemes. The Chief Executive highlighted the potential for a number of appeals in relation to recent decisions not to approve registration applications.

Following discussion, Commissioners agreed to consider by correspondence a draft response to the Law Commission's consultation on Technical Issues in Charity Law. It was also noted that DSD are continuing to work on developing Annual Reporting Regulations and the Commission will set up a Task & Finish group to assist in the development of related guidance.

AP2: Commissioners' comments on the draft response to the Law Commission to be forwarded by 3 July 2015.

5a HR Issues

Minutes from meeting 18 February 2015

The Minutes of the Human Resources (HR) Committee meeting on 18 February 2015, were agreed as a true and accurate record as proposed by Geraldine Donaghy and seconded by Brenda Maitland.

AP3: Minutes of HR Committee to be published on CCNI website

5b. Update from meeting 17 June 2015

The Chair of HR Committee updated the board on the committee's policy review programme, including a number of updated policies being recommended today, and an action plan to further develop staff engagement. The Chair noted that, as part of current review work, an interim change to the implementation of the probationary policy had been identified and, following proposal by Brenda Maitland and seconding by Rosemary Connolly, the Board approved these measures with immediate effect. The Head of Corporate Services briefed the board on a number of other policies currently being reviewed, which would be presented to the HR Committee in September 2015.

In light of changes to the makeup of the committee, the current committee Chair offered the incoming Chair, Brenda Maitland, best wishes and expressed his thanks to everyone for their support during his time as Chair. The Chief Executive expressed her thanks on behalf of the staff for the Chair's help and support throughout his appointment.

5c. Amended Policies

The Chair of HR Committee introduced the paper to the Board, highlighting that the committee had considered the amended policies at its June meeting and would recommend them to the Board for approval and adoption. The Board were content to approve the policies, following proposal by Rosemary Connolly and seconded by Brenda Maitland.

6. Registration Manual

The Head of Charity Services introduced the paper setting out the recommended changes to the registration manual following work by the Task & Finish group. The board reviewed the key changes and other issues scheduled for further development over the next twelve months, in particular completing a project to address the key risk of failure to apply by the end of quarter 3. Following discussion, the key changes and further developments were agreed as proposed by Rosemary Connolly and seconded by Walter Rader.

AP4: Project to address the key risk of failure to apply to be completed by the end of quarter 3.

7. Minor Amendment to Compliance Manual

The Head of Compliance and Enquiries introduced the paper to the Board and highlighted the changes in respect of target timescales for the completion of assessments of new compliance referrals. The Board approved the amendment, as proposed by Rosemary Connolly and seconded by Brenda Maitland.

8. Updated Publications Scheme

The Head of Corporate Services introduced the updated Publication Scheme to the Board highlighting changes made to be in line with the latest guidance from the relevant regulator, and OFMDFM's advice to departments. Following discussion, and subject to a minor change, the scheme was agreed as proposed by Geraldine Donaghy and seconded by Rosemary Connolly.

9. Annual review of Board TOR, Code of Conduct, Standing Orders

Following review the Board were content to agree the Terms of Reference, Code of Conduct and Standing Orders as still fit for purpose. It was agreed, following discussion of the Commission's approach to mirror NICS pay scales, that the Human Resources & Remuneration (HR&R) Committee would change its name to Human Resources (HR) Committee, as proposed by Geraldine Donaghy and seconded by Walter Rader.

10. Equality Guidance

The Head of Charity Services introduced the guidance to the Board stressing that it covered a complex area of law and was intended to support Trustees in the effective management and control of charities. The Board noted that

the process of developing the guidance included close working with the Equality Commission for Northern Ireland. The guidance was approved following proposal by Rosemary Connolly and seconded by Walter Rader.

11. Annual Equality Report

The Head of Corporate Services introduced the report and highlighted various areas of progress including the outcomes section and the screening of policies before they came to the board for consideration. After consideration the report was approved, following proposal by Rosemary Connolly and seconded by Geraldine Donaghy.

AP5: Annual equality report to be submitted to the Equality Commission

12. Revised Consents Manual

The Head of Charity Services introduced the paper to the Board and advised that, following a substantial review, the relevant specific internal guidance had been examined and redrafted. The redraft reflected minor operational changes, additional practical details, examples and definitions, additional risk modifiers and a new, more proportionate system for signing off based on the approach of counterparts in England and Wales. The Board approved the manual following proposal by Walter Rader and seconded by Geraldine Donaghy.

13. Trustee Remuneration Policy

The Head of Compliance and Enquiries introduced the paper to the Board which set out a Commission policy position guided by case law in relation to any charity wishing to remunerate a trustee for their trusteeship. The Board considered the Commission's position, legal underpinnings, casework processes charities can use, and criteria to assist the Commission's assessment of applications to authorise remuneration, or payments made by charities. Following discussion and clarification the Chief Executive advised that legislation is silent on the issue and the Commission has to be led by case law, which is largely against payment. The policy was adopted following proposal by Rosemary Connolly and seconded by Geraldine Donaghy.

14. Premises Business Case

The Chief Executive introduced the high level business case to the Board noting the Department's current lease position and that it had indicated the Commission should undertake this initial work. A series of risks were identified and changes in the public sector accommodation procurement policy were outlined. Following discussion of the Commission's specific accommodation needs identified in light of operational experience, the Board agreed the high level business case paper as proposed by Geraldine Donaghy and seconded by Rosemary Connolly. It was noted the business case would

be discussed with the Trade Union and staff briefed as the process progressed.

AP6: Premises Business Case to be forwarded to the Department by end of June 2015

AP7: Premises Business case to be shared with the Trade Union

15. Casework Update

The Head of Charity Services introduced the paper to the Board which provided figures on registrations to date, grouped registration and religious designation. Board members welcomed the improved presentation of statistical information and discussed details regarding the grouped registration of the Presbyterian Church in Ireland. It was noted the Commission intends to call this grouped application forward for registration from the autumn. Until the Department for Social Development bring accounting regulations into force next January, the Commission cannot grant religious designation. Therefore, the processing of the registration of churches can proceed, although the granting of religious designation will be delayed. For churches already registered, the designation decisions will be made once the regulations are in place and in the case of the Presbyterian Church the registration decision and designation decision will be given at the same time.

Following a query the Chief Executive confirmed the legislation does indicate who can and cannot be a Trustee, and this is binding on all charities. The Commission can consider granting a trustee waiver to disqualified individuals in certain circumstances. In the context of a body that had been granted religious designation under Section 166 of the Charities Act (Northern Ireland) 1998, the Commission will have the power to open a statutory enquiry and take any necessary actions, with the exception of use of the powers in sections 33-36 of the Act. However, it may request the supervisory authority of the religious body to take appropriate action.

16. Investigation Update

The Head of Compliance and Enquiries introduced the report to the Board, which highlighted new concerns, outlined cases closed and information on organisations currently under statutory investigation. It was noted that recent Tribunal work had covered a range of issues related to the use of the Commission's powers and had an impact on resource allocation. The Board noted the report and anticipated timescale for a forthcoming Tribunal ruling.

17. Monitoring and Compliance Update

The Head of Compliance and Enquiries introduced the update to the Board and highlighted that the team had received their first Annual Monitoring Return from a registered charity. The Board noted the update and the timescale for receipt of outstanding information in relation to one remaining waiver application.

18. Budget Report

The Head of Corporate Services introduced the report and confirmed an in year increase in budget allocation.

19. CEX Performance Objectives

These were noted.

20. Hospitality Register

Noted.

21. Press Clippings

Noted.

22. Review of Meeting

No issues were noted.

23. Issues for next meeting 21 September 2015

Noted.

24. AOB

The meeting concluded at 12:10pm

Register of Outstanding Action Points					
Board Meeting and Action Point Number	Date Raised	Agenda Item	Action	Owners	Status
34 (10)	11/11/2013	Press Clippings	MOU with RQIA to be developed	HCE	Underway
40 (3)	22/9/14	Chief Executive's Report	Legally qualified commissioner to engage with colleagues in the legal profession	Rosemary Connolly	Underway
41 (3)	10/11/2014	Issues from HR&R; First Steps towards a HR Strategy	Progress steps towards a HR strategy	HCorpS	Underway
46 (1)	22/06/2015	Minutes of Meeting 18 May 2015	Board minutes to be published on CCNI website	Kathryn	Complete
46 (2)	22/06/2015	Chief Executive's report	Commission's response to Law Commission to be sent to Board for comment	HCS	Complete
46 (3)	22/06/2015	HR&R Issues Minutes from meeting 18 February 2015	Minutes of HR&R Committee to be published on CCNI website	Kathryn	Complete
46 (4)	22/06/2015	Registration Manual	Project to address the key risk of failure to apply to be completed by the end of quarter 3.	HCS	Underway
46 (5)	22/06/2015	Annual Equality Report	Annual equality report to be submitted to the Equality Commission	HCorpS	Complete
46 (6)	22/06/2015	Premises Business case	Premises Business Case to be forwarded to the Department by end of June 2015	HCorpS	Complete
46 (7)	22/06/2015	Premises Business case	Premises Business case to be shared with Trade Union and staff briefed	HCorpS	Complete