



**Minutes of Board Meeting No. 89 held on Monday 22 March 2021 at 9:30am by video conference.**

**Present:**

Nicole Lappin, Chief Charity Commissioner (Chair)  
Gerard McCurdy, Deputy Chief Charity Commissioner (joined at 9.47am)  
Kieran Donaghy, Charity Commissioner  
Séamus Magee, Charity Commissioner  
Hugh McKeag, Charity Commissioner  
Carmel Mullan, Charity Commissioner (left 12.34pm)

**In Attendance:**

Frances McCandless, CEx  
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 5e only)  
Rhona Reid, Business Consultancy Services (item 5e only)

The Chair welcomed everyone to the meeting and in light of the busy agenda indicated some items may be dealt with out of sequence.

**1. Minutes of Special Board Meeting 18 January 2021**

Following discussion the minutes of the Special Board Meeting held 18 January 2021 were agreed as a true and correct record subject to a minor amendment, as proposed by Kieran Donaghy and seconded by Carmel Mullan.

**Minutes of Board Meeting 25 January 2021**

Following discussion the minutes of the Board Meeting held 25 January 2021 were agreed as a true and correct record, as proposed by Hugh McKeag and seconded by Carmel Mullan.

**AP1: Minutes of Special Board Meeting No 87, 18 January 2021 to be published on CCNI website.**

**AP2: Minutes of the Board Meeting No 88, 25 January 2021 to be published on CCNI website.**

## **2. Conflicts of Interest**

The Chief Executive indicated that she no longer had a conflict of interest in relation to the Baume Report.

## **3. Chair's Business, Correspondence and Meetings**

The Chair noted the Commission had received the terms of reference for the Ministerial review. Commissioners were reminded to keep a record of additional time spent in February and March.

The Chair briefed the Board on the progress of the review by independent counsel and Sponsor Department's competition for the Legal Commissioner vacancy. Details of the new process for Chair's appraisal were highlighted.

Gerard McCurdy joined the meeting at 9.47am.

## **4. Chief Executive's Report**

The Chief Executive introduced her report and updated on current litigation. Following discussion of overall progress to date on-the transformation project it was agreed to hold a workshop with Commissioners later in the year.

Commissioners discussed how the report on the review by independent counsel might be shared, considering data protection obligations.

The Chief Executive advised that an independent chair for the stakeholder forum had been identified. Following discussion, it was agreed to continue with the Boardroom Apprentice Scheme next year as it has been very successful.

**AP3: A session on the transformation project and organisational risks to be organised and the independent member of A&RAC to be invited to attend.**

## **5. Policies and Processes**

### **a. Business plan 2021-22**

The Head of Corporate Services introduced the redrafted 2021/22 Business Plan which reflected the strategic planning session held on 26 February 2021 with Commissioners and Managers. Commissioners discussed the prioritisation of actions and operating assumptions during the year. It was noted new premises costs had been received and would be incorporated into the budget. The Board agreed to submit the current draft at this time to sponsor department, as per the MSFM, as proposed by Gerard McCurdy and seconded by Séamus Magee.

**AP4: 2021/22 Business Plan to be finalised and submitted to sponsor department.**

**b. Paper for Ministerial Review**

The Head of Charity Services presented the position paper and accompanying regulatory information. A number of queries were addressed in relation to the review panel's work. Following discussion the Board agreed to authorise staff to provide any information requested by the review panel necessary to fulfil their terms of reference, shared under the powers available to them within the legislation, as proposed by Gerard McCurdy and seconded by Séamus Magee.

The position paper was discussed and it was agreed that an initial summary should be added and the paper forwarded to the panel as proposed by Kieran Donaghy and seconded by Hugh McKeag.

**AP5: Summary section to be included in the position paper to be forwarded to review panel.**

**e. Report on Board effectiveness review**

Cheryl Robinson and Rhona Reid joined the meeting at 10.45am

The Chair indicated this item would be taken out of sequence and welcomed the staff from Business Consultancy Services (BCS) to the meeting. The Chair thanked the Commissioners for their engagement in the review. An introduction and overview of BCS's findings on the Board's effectiveness were given. The draft report, key findings and action plan were discussed and the view the Board were performing well was noted. Following discussion, it was agreed to share the report with sponsor department and the CEx would develop the action plan and bring this back to Board as proposed by Séamus Magee and seconded by Carmel Mullan.

**AP8: CEx to share BCS report with sponsor team**

**AP9: CEx to develop action plan and bring back to the Board.**

**c. Draft Research Strategy**

The Head of Charity Services introduced the strategy. Commissioners commended staff on the quality of the strategy and after discussion it was adopted as proposed by Kieran Donaghy and seconded by Carmel Mullan. Details of the proposed chair of the Stakeholder forum were discussed and it was agreed the Chair would formally write to confirm arrangements.

**AP6: Chair to write to proposed chair of Stakeholder forum to confirm arrangements.**

**d. Assurance statement**

Following consideration the statement was agreed and approved for submission to sponsor department as proposed by Hugh McKeag and

seconded by Gerard McCurdy. The Chair gave agreement for her electronic signature to be inserted in the document.

**AP7: CEx to forward signed assurance statement to sponsor department.**

**f. Legal update**

The update was noted. Following discussion of litigation it was agreed the approach would be to indicate the Commission was not intending to play an active part in proceedings as proposed by Kieran Donaghy and seconded by Carmel Mullan.

Commissioners discussed other litigation and requested the legal team explore communicating with the Charity Tribunal the Commission's intention to continue defending valid decisions but not defending invalid orders in cases which include a number of different decisions, both valid and invalid.

In line with counsel advice on sharing information set out in the update, Commissioners noted they were balancing the ability to function and the capacity of the Commission to perform functions as set out in the Court of Appeal judgement (Feb 2020) in light of risks and practicalities. It was agreed the approach to sharing to be adopted across all manuals was to allow staff to share information within defined parameters, and if any doubt arises the issue should be referred to Commissioners for clarification as proposed by Carmel Mullan and seconded by Gerard McCurdy.

**AP10: Sharing of information in relation to Casework, Enquiries and Monitoring & Compliance manuals to be set out in an agreed paragraph in each manual.**

**g. MSFM compliance report**

The review was noted.

**6. Reports from sub-committees**

**Issues from A&AR Meeting**

**a. Minutes of meeting of 24 November 2020**

Proposed by Carmel Mullan and seconded by Kieran Donaghy.

**b. Corporate Risk Register**

The Chair of the A&RA committee outlined the committee's review and the proposed changes to risk levels were agreed as proposed by Carmel Mullan and seconded by Kieran Donaghy.

**c. Risk Appetite for new business plan**

The appetite ratings proposed in relation to the 21/22 business plan were agreed subject to review and further discussion later in the year as proposed by Séamus Magee and seconded by Hugh McKeag.

**d. Draft Risk Register 2021-22**

The draft register was discussed and the wording of an additional risk was agreed. SMT to identify ratings and mitigating actions and bring to next A&RA Committee. Proposed by Gerard McCurdy and seconded by Carmel Mullan.

**AP11: Staff to identify initial ratings and mitigating actions.**

**e. Internal Audit issues for 2021-22**

Commissioners discussed the areas planned for audit in the coming year. It was agreed to proceed with the third year of the four year strategy with areas to be covered in the second assignment to be reviewed later in the year as proposed by Kieran Donaghy and seconded by Séamus Magee.

**f. Review of Fraud Policy**

The outcome of the review was discussed and the changes including the bribery assessment were agreed as proposed by Hugh McKeag and seconded by Séamus Magee.

**Issues from HR Committee**

**g. Minutes of meeting 17 June 2019**

The minutes were adopted as proposed by Séamus Magee and seconded by Kieran Donaghy.

**h. Probation**

The outcome of the review of the probation policy and recommended changes were agreed as proposed by Hugh McKeag and seconded by Nicole Lappin.

**i. Recruitment Process**

The outcome of the review of the recruitment policy and recommended changes were agreed as proposed by Kieran Donaghy and seconded by Hugh McKeag.

**j. References**

The outcome of the review of the references policy and recommended changes were agreed as proposed by Séamus Magee and seconded by Hugh McKeag.

**k. Staff handbook development – prioritisation**

The update was noted.

**l. Staff Survey 2020/21**

Commissioners discussed the very positive survey results and noted the people strategy action plan would be updated based on findings and

suggestions on areas for improvement with staff and other stakeholder input.

**AP12: People strategy action plan to be updated and brought to the June Board meeting.**

**m. Update from Legal Advisory Group**

The update was noted and it was agreed notes would be shared via Decision Time.

**AP13: Admin team to develop a repository of documents.**

**Schedule 1 Committee**

- n. **15 January 2021** - noted
- o. **12 February 2021** - noted

Carmel Mullan left the meeting at 12.34pm.

**7. Charity Services Report**

The Head of Charity Services introduced their report and Commissioners noted the range of casework in progress. Minor amendments to the Casework Manual were agreed as proposed by Kieran Donaghy and seconded by Séamus Magee.

The review of Schedule 1 meeting arrangements and time commitments going forward were discussed. It was decided to continue with the existing arrangements for monthly meetings as proposed by Séamus Magee and seconded by Hugh McKeag.

**AP14: Version 2.0 of the Casework Manual to be implemented.**

**AP15: Schedule 1 meetings to be held monthly.**

**8. Compliance and Enquiries report**

The Head of Compliance & Enquiries introduced their report and highlighted a range of developments with Enquiries underway and additional expenditure on investigations being progressed.

**9. Corporate Services Report**

The Head of Corporate Services outlined their report and gave an overview of the budget and business plan progress to date. Commissioners noted all key performance indicator targets bar one were on track for achievement at year end. An ongoing complaint forwarded to the sponsor department was discussed.

There was an update on plans for the office relocation.

**10. Issues for next meeting 17 May 2021**

In addition to standing items issues proposed for the next meeting were:

- Issues from A&RA committee
- Communications Plan 21-22
- Trust and confidence research results
- Protocol for ministerial and political meetings

**11. AOB**

The Chair requested that Board meeting assessment questionnaires be completed and returned.

**AP16: Commissioners to complete and return Board meeting assessment questionnaires.**

Meeting ended at 1.30pm

### Register of Outstanding Action Points

<b>Board Meeting and Action Point Number</b>	<b>Date Raised</b>	<b>Agenda Item</b>	<b>Action</b>	<b>Owners</b>	<b>Status</b>
89(1)	22/03/21	1	Minutes of Special Board Meeting No 87, 18 January 2021 to be published on CCNI website.	HCorpS	Complete
89(2)	22/03/21	1	Minutes of the Board Meeting No 88, 25 January 2021 to be published on CCNI website.	HCorpS	Complete
89(3)	22/03/21	4	A session on the transformation project and organisational risks to be organised and independent member of A&RAC to be invited to attend.	HCorpS	Underway
89(4)	22/03/21	5a	2021/22 Business Plan to be finalised and submitted to sponsor department.	CEx/ HCorpS	Complete
89(5)	22/03/21	5b	Summary section to be included in the position paper to be forwarded to review panel.	HChS	Complete
89(6)	22/03/21	5c	Chair to write to proposed chair of Stakeholder forum to confirm arrangements.	Chair	Complete
89(7)	22/03/21	5d	CEx to forward signed assurance statement to sponsor department.	CEx	Complete
89(8)	22/03/21	5e	CEx to share BCS report with sponsor team.	CEx	Complete
89(9)	22/03/21	5e	CEx to develop action plan and bring back to the Board.	CEx	Complete
89(10)	22/03/21	5f	Sharing of information in relation to Casework, Enquiries and Monitoring & Compliance	HChS	Underway

			manuals to be set out in an agreed paragraph in each manual as agreed.		
89(11)	22/03/21	6d	Staff to identify initial ratings and mitigating actions.	HChS	Complete
89(12)	22/03/21	6l	People strategy action plan to be updated and brought to the June Board meeting.	HChS	Underway
89(13)	22/03/21	6m	Admin team to develop a repository of documents.	HCorpS	Underway
89(14)	22/03/21	7	Version 2.0 of the Casework Manual to be implemented.	HChS	Underway
89(15)	22/03/21	7	Schedule 1 meetings to be held monthly.	HChS	Complete
89(16)	22/03/21	11	Commissioners to complete and return Board meeting assessment questionnaires.	HCorpS	Complete
88(3)	25/01/2021	4	Demo of risk assessment framework to be arranged for Commissioners.	HCorpS	Underway
88(7)	25/01/2021	5b	Arrangements for the use of seal to be implemented.	HChS	Complete
88 (13)	25/01/2021	9	Disposal of records under the Retention and disposal schedule to be suspended.	HCorpS	Complete
86(2)	14/12/2020	3	Commissioners to be booked to attend the 2021 Leadership and Governance conference.	HCorpS	Underway
86(5)	14/12/2020	5a	Workshop to be scheduled after Easter to allow Board to discuss concerns about governance flowchart.	CEx	Complete
86(14)	14/12/2020	7	Publishing our Decisions policy version 5 to be implemented going forward.	HChS	Complete
86(15)	14/12/2020	7	Name change manual version 3 to be implemented going forward.	HChS	Complete

86(18)	14/12/2020	9	Paper to February HR Committee on remote working.	HCorpS	Postponed
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	Complete
85(5)	09/11/20	4b	New enquiries 'concerns about charities' on line form to be implemented	HCE	Underway
84(10)	28/09/2020	8d	Chief Commissioner to nominate a Board member to undertake the oversight role.	Chief Comm	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