



**Minutes of Board Meeting No. 83 held on Monday 22 June 2020 at 9:30am
by video conference.**

Present:

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

In Attendance:

Frances McCandless, Chief Executive
Aubrey McCrory, Head of Corporate Services
Punam McGookin, Head of Charity Services
Sarah Finnegan, Head of Compliance & Enquiries
Rachel Harrison, Board Apprentice
Clare McElherron, Minutes

Apologies: None

The Chair welcomed everyone to the meeting noting it was being held by video conference. Chair noted that this was the Board Apprentice's last meeting and thanked Séamus Magee for being the Board Buddy.

1. Minutes of Meeting No 82 – 18 May 2020

Following discussion the minutes of the meeting held on 18 May 2020 were agreed as true and correct, as proposed by Gerard McCurdy and seconded by Séamus Magee.

AP1: Minutes of Board Meeting No 82 to be published on CCNI website.

2. Conflicts of Interest

No conflicts were noted.

3. Chair's Business, Correspondence and Meetings

The board was informed that Steven Cockcroft, Legal Commissioner, had resigned noting the increasing personal commitment required of the role.

Commissioners recorded their deep appreciation for the contribution Steven Cockcroft made throughout his tenure and for the valuable advice he regularly gave. It was noted options to ensure the post of legally qualified Commissioner were being explored by sponsor department.

Following discussion of increasing Commissioner involvement in complaint handling it was agreed to pursue appointing independent counsel to assess correspondence which raised historic complaint issues and make recommendations concerning two investigations, as proposed by Hugh McKeag and seconded by Carmel Mullan.

The Chair noted she recently had a meeting with the Attorney General and looked forward to engaging positively with the office in the future. Following a series of meetings with senior departmental officials, these would be scheduled on a monthly basis going forward.

It was noted Minister Hargey had to step down due to ill health and it was agreed to write to wish her a speedy recovery.

AP2 – CEx to send leaving card to Steven Cockcroft

AP3 – Chief Commissioner to write letter to Minister Hargey wishing a speedy recovery

4. Chief Executive's Report

The CEx introduced her report highlighting the outcome of the most recent accountability meeting with senior departmental officials. Commissioners agreed that, given a new flexible working plan has yet to be developed, following enquiries to sponsor department on a NICS-wide approach, the planned layout for the new office premises should remain as it is and should proceed on that basis.

The CEX asked the Board to review a number of litigation cases which it previously agreed to continue to pursue as being out of time. Commissioners noted the Court of Appeal judgement was not about the substance of cases and facts established, but about the way in which decisions were made. Following discussion Commissioners agreed to change approach in two specific tribunal appeals as proposed by Gerard McCurdy and seconded by Séamus Magee.

The Board noted a recent Information Tribunal ruling, which upheld a decision by the Information Commissioner's Office against the BBC regarding the statutory exemption relied on by the Northern Ireland Public Services Ombudsman (NIPSO) and the Commission.

There was discussion of correspondence regarding information sharing and it was noted additional points would be raised with Counsel regarding use of resources to progress statutory investigations.

5. Charity Services Report

The Head of Charity Services outlined various aspects of her report. Following discussion it was agreed the Chair would write to the interim Attorney General to seek her views on Directions relating to Section 47 of the Charities Act as proposed by Séamus Magee and seconded by Gerard McCurdy.

AP4: Chair to write to interim Attorney General seeking her views on Directions relating to Section 47 of the Charities Act.

6. Compliance & Enquiries Report

The Head of Compliance & Enquiries introduced her report, with the Board noting various points including plans not to fill the vacant Enquiry & Compliance Support post.

7. Corporate Services Report

The Head of Corporate Services outlined aspects of his report. Commissioners noted new procurement arrangements with sponsor department and the new budget update report layout. The need to bid for additional resource to cover inescapable pressures in the next monitoring round was agreed.

Details of a recent staff survey regarding Covid-19 contingency and support arrangements were outlined. Commissioners were very encouraged by the results and welcomed the report and remote working arrangements. Following discussion it was agreed to repeat the survey in September and that Séamus would raise through the A&RA Chairs' forum the need for those using the NICS shared ICT services to have appropriate software to effectively support remote working.

AP5: Staff survey on Covid-19 contingency and support arrangements to be repeated in September

AP6: 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.

8. Schedule 1 Minutes

- a) 28 February 2020
Noted.

- b) 7 May 2020
Noted.
- c) 22 May 2020
Noted.

9. **Policies and processes**

a) Final Annual Report & Accounts

The Chief Executive outlined minor changes to the annual report and accounts following discussion at the last Board meeting. The Head of Corporate Services outlined the current position as regards the Northern Ireland Audit Office's (NIAO) audit work. Commissioners noted at this time the audit was clean and it was anticipated there would be no recommendations in the Report To Those Charged with Governance (RTTCWG). In light of this position it was agreed staff would consider feedback recently forwarded by Carmel Mullan and make appropriate minor amendments for accuracy in consultation with NIAO. Following discussion Commissioners agreed the process of signing off by the Chair and Accounting Officer recommended by NIAO in the current circumstances as proposed by Séamus Magee and seconded by Carmel Mullan.

The RTTCWG will be circulated to Commissioners and the process of laying the signed annual report and accounts taken forward with sponsor department.

AP7: staff to consider recent Commissioner feedback and make appropriate minor amendments for accuracy in consultation with NIAO.

AP8: Chair and Accounting Officer to sign off finalised annual report and accounts as recommended by NIAO.

AP9: Signed annual report and accounts to be laid at the Assembly.

AP10: RTTCWG to be circulated to Commissioners.

b) Business Plan Amendments

The Head of Corporate Services briefed Commissioners on the rationale for amendments at this time and the main changes were highlighted. These included reducing the target for registrations to 360, processing 60% of registrations in 7 months, and focus on pre-registration closures. Commissioners discussed Covid-19 and adding text to reflect engaging with the sector and supporting charities coming out of the pandemic. Following discussion it was agreed to adopt the revised draft business plan 2020-21 for submission to sponsor department for approval, subject to minor

amendment, as proposed by Kieran Donaghy and seconded by Séamus Magee.

It was agreed to review priorities and update the existing three year strategic plan at the September meeting and add an additional year to cover 2020-23.

AP11: revised draft business plan 2020-21 to be submitted to sponsor department for approval.

AP12: Existing three year strategic plan to be reviewed and extended.

c) Amendments to Enquiries Manual

The Head of Compliance & Enquiries outlined the proposed changes which distinguish information gathered under Section 22 of the Charities Act (Northern Ireland) 2008 from other information gathered. Commissioners agreed the changes which reflect advice from counsel and a panel of Commissioners following a complaint being received, as proposed by Séamus Magee and seconded by Carmel Mullan.

AP13: Updated Enquiries Manual version 8.0 to be implemented going forward

d) Communications plan on implementation of option 3

The CEx introduced the paper which staff had developed following the May Board meeting adopting option 3. Commissioners considered further legal advice received and the CEx addressed a number of queries. Following discussion a number of amendments to the comms plan were agreed and it was decided to seek the views of sectoral stakeholders and finalise the approach by correspondence, as proposed by Hugh Mckeag and seconded by Kieran Donaghy.

AP14: CEx to seek the views of sectoral stakeholders.

AP15: Commissioners to agree the comms plan by correspondence.

e) Annual equality progress report

The Head of Corporate Services introduced the report. Following discussion it was agreed to adopt the report, subject to addition of information on remote working providing greater equality of opportunity for those with caring responsibilities, as proposed by Séamus Magee and seconded by Kieran Donaghy.

AP16: Annual equality progress report to be submitted to Equality Commission for NI.

f) Guidance on s24 sharing of information

Commissioners discussed the draft guidance which was adopted as proposed by Carmel Mullan and seconded by Gerald McCurdy

g) CEx performance objectives

Commissioners noted the draft objectives which had been agreed between Chief Commissioner and CEx.

10. Issues for next meeting

Issues proposed for the next meeting were noted.

11. AOB

It was agreed Commissioners would forward comments to the CEx on the operation of the Schedule 1 committee in advance of the formal review in September.

An update on the office relocation was provided and it was confirmed the Commission hoped to proceed with the floor plan previously set out.

The Board discussed the remit of the Human Resources committee and agreed it would take stock of the committee's remit as regards appraisal, training and remuneration in quarter 4.

AP17: Board to take stock of HR Committee remit as regards appraisal, training and remuneration in quarter 4.

Meeting ended at 13.00 pm

Register of Outstanding Action Points

Board Meeting and Action Point Number	Date Raised	Agenda Item	Action	Owners	Status
83 (1)	22/06/2020	1	Minutes of Board Meeting No 82 to be published on CCNI website.	HCorpS	Completed
83 (2)	22/06/2020	3	CEx to send leaving card to Steven Cockcroft	CEx	Completed
83 (3)	22/06/2020	3	Chief Commissioner to write letter to Minister Hargey wishing a speedy recovery	Chief Comms	Underway
83 (4)	22/06/2020	5	Chair to write to interim Attorney General seeking their views on the Section 47 Direction.	Chair	Completed
83 (5)	22/06/2020	7	Staff survey on Covid-19 contingency and support arrangements to be repeated in September	HCorpS	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
83 (7)	22/06/2020	9a	Staff to consider recent Commissioner Feedback and make appropriate minor amendments for accuracy in consultation with NIAO.	HCorpS	Completed
83 (8)	22/06/2020	9a	Chair and Accounting Officer to sign off finalised annual report and accounts as recommended by NIAO.	Chair	Completed
83 (9)	22/06/2020	9a	Signed annual report and accounts to be laid at the Assembly.	HCorpS	Underway

83 (10)	22/06/2020	9a	RTTCWG to be circulated to Commissioners.	HCorpS	Underway
83 (11)	22/06/2020	9b	Revised draft business plan 2020-21 to be submitted to sponsor department for approval.	HCorpS	Completed
83 (12)	22/06/2020	9b	Existing three year strategic plan to be reviewed and extended.	HCorpS	Underway
83 (13)	22/06/2020	9c	Updated Enquiries Manual version 8.0 to be implemented going forward	HoCE	Completed
83 (14)	22/06/2020	9d	CEx to seek the views of sectoral stakeholders.	CEx	Completed
83 (15)	22/06/2020	9d	Commissioners to agree the comms plan by correspondence	Comms	Completed
83 (16)	22/06/2020	9e	Annual equality progress report to be submitted to Equality Commission for NI.	HCorpS	Completed
83 (17)	22/06/2020	11	Board to take stock of HR Committee remit as regards appraisal, training and remuneration in quarter 4.	HCorpS	Underway
82 (2)	18/05/20	8b	A&RA Committee to revisit the asset policy as part of its annual review of the finance procedures.	HCorpS	Underway
81 (8)	31/03/20	8b	Draft minutes from most recent A&RA meeting to be brought to Board for adoption once agreed by A&RA.	HCorpS	Completed
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	HCS	Underway
56-12	12/12/16	18	MOU with CRA to be drafted	HCS	Underway