

**Minutes of Board Meeting No. 102 held on Monday 19 December 2022
at Bankmore House, Belfast.**

Present:

Gerard McCurdy - Chair (Deputy Chief Commissioner)
Alan Hunter, Charity Commissioner
Hugh McKeag, Charity Commissioner
Patricia Kelly, Legal Commissioner
Séamus Magee, Charity Commissioner
Emma O'Neill (Boardroom Apprentice).

In Attendance:

Frances McCandless, CEx
Punam McGookin, Head of Charity Services
Aubrey McCrory, Head of Corporate Services
Nicola Fisher, Minutes and item 5e

Apologies:, Kieran Donaghy, Charity Commissioner, Rossa Keown, Head of Compliance & Enquiries.

The meeting commenced at 9.30am. The Chair welcomed everyone to the meeting and acknowledged he was chairing the meeting on a temporary basis. It was agreed that some agenda items would be taken out of sequence.

1. Minutes of Board Meeting 101, 14 November 2022

Following discussion, the minutes of the Board Meeting held on 14 November 2022 were agreed, subject to minor amendment, as a true and correct record as proposed by Séamus Magee and seconded by Patricia Kelly.

**AP1: Minutes of Board Meeting No 101, 14 November 2022
to be published on CCNI website.**

2. Conflicts of Interest

None were noted.

3. Chair's Business, Correspondence and Meetings

The current lack of a permanent chair following the Chief Commissioner's resignation was discussed and the Deputy Chief Commissioner indicated he would speak to sponsor department about an interim arrangement. All Board members were supportive of this approach.

It was noted the Deputy Chief Commissioner had received correspondence and agreed to reply on behalf of the Commission.

4. Chief Executive's Report

The Chief Executive highlighted several issues in her report including receipt of materials from sponsor department's recent strategic workshop.

Following discussion, it was agreed the Chief Executive would provide feedback on behalf of the Commission.

Commissioners decided to seek further Counsel opinion regarding resolution to ongoing litigation.

The Board was advised that sponsor department had confirmed the position on potential attendance as an exhibitor at political party conferences. Changes made to Board papers were discussed and further developments noted.

AP 2: Chief Executive to provide feedback on behalf of the Commission to sponsor department regarding its recent strategic workshop.

5. Policies and Processes

b. Enquiries manual update

The Chief Executive outlined a series of proposed updates resulting from the Review by Independent Counsel and the Independent Review of Charity Regulation in Northern Ireland, reflecting the Commission moving to become a more enabling regulator. Following discussion, the proposed changes were agreed, subject to amendment of the proportionality criteria to £20,000, as proposed by Hugh McKeag and seconded by Alan Hunter.

AP 3: Enquiries Manual v9.0 to be implemented.

AP 4: Statistics on the number of cases below the financial threshold to be provided at the next Board meeting.

AP 5: Further clarification to be provided on which section of the Act covers which aspects of information sharing.

c. Registration manual amendments

The Head of Charity Services outlined a series of proposed updates resulting from various reviews and internal learning. After consideration the changes were agreed as proposed by Hugh McKeag and seconded by Séamus Magee.

AP 6: Registration Manual v18.0 to be implemented.

d. Annual Monitoring Return traffic light system

The Chief Executive outlined proposals to address a key recommendation from the Independent Review regarding introduction of a traffic light system to allow greater differentiation between filing defaulters on the charity register. Following discussion, recommended changes to the labels and language was agreed, subject to minor amendment of timescales, as proposed by Alan Hunter and seconded by Séamus Magee.

e. Finance paper

The Head of Corporate Services introduced the paper and outlined a range of current budget pressures and three budget scenarios for the period 2023-26. A series of queries were addressed by the Finance & Admin Manager.

In relation to the Commission's accommodation the Board agreed, as proposed by Hugh McKeag and seconded by Alan Hunter, to ask the Department of Finance to provide a letter to address an error in the current licence on the basis of the full cost of accommodation, and to review accommodation needs early in the 2023 to seek cost savings from the operation of hybrid working.

The shortfall in resource baseline to meet inescapable spend in current and future years was noted. A number of budget scenarios were examined. It was agreed to bid for strategic resource option 3 - deliver change agenda and maintain service levels as proposed by Hugh McKeag and seconded by Alan Hunter.

AP 7: Department of Finance to be asked to provide a letter to address an error in the current licence.

AP8: A review of accommodation needs to be undertaken in early 2023.

AP9: Resource returns and a strategic resource business case to be prepared and submitted to sponsor team based on option 3.

f. Action plan for disposal of information

The Head of Corporate Services outlined a disposal schedule covering records across various headings, including investigations. Following discussion, the schedule and action plan were agreed, subject to minor amendment, as proposed by Séamus Magee and seconded by Patricia Kelly.

AP 10: Action plan including disposal schedule to be implemented.

g. Registration threshold implications

The Head of Charity Services introduced the paper which scoped out the operation of a threshold and impacts for the Commission which had been identified by staff and colleagues in the Charity Commission for England and Wales. These preparations and further planned work with sponsor department were noted.

h. Stakeholder forum update

The Deputy Chief Commissioner updated the Board on a recent meeting and plans to expand forum membership.

All staff other than the Chief Executive left the meeting at 11.05am

a. Recruitment

The Board considered legal advice and discussed the options set out in the related paper. Recognising the employment rights already accrued, Commissioners agreed to approve the appointments of those listed in appendix 2. It was agreed to appoint the recommended candidate for the Legal Advisor position, as proposed in appendix 1. It was agreed to seek further detailed advice on issues relating to appendix 3. Pending this, an interim process was agreed, involving a panel of Commissioners, and the related changes to the Schedule 1 processes and procedures were approved. Sickness absence rates were also discussed.

AP 11: CEx to seek further Counsel advice and bring back a further proposal to a future board meeting.

Staff returned to the meeting at 11.40am

6. Reports from Committees

Audit & Risk Assurance Committee

a) Minutes of meeting No 53 – 13 September 2022

The minutes of the meeting on 13 September 2022 were adopted by the Board as proposed by Alan Hunter and seconded by Hugh McKeag.

AP 12: Minutes of meeting No 53 – 13 September 2022 to be published on the website.

b) 2022/23 Corporate Risk Register

It was noted that the A&RA Committee carried out a deep dive into risk 2 - Engagement at its last meeting. A series of changes to risks were highlighted, reflecting input from the Human Resources committee. Following discussion, the revised risk register was agreed as proposed by Alan Hunter and seconded by Hugh McKeag.

c) Review of Raising Concerns about Commission policy

The Head of Corporate Services introduced the outcome of the review and, following discussion, recommended changes to the policy were agreed as proposed by Alan Hunter and seconded by Hugh McKeag.

AP 13: Raising Concerns about Commission policy v2.0 to be implemented

AP 14: Correspondence relating to the Commission's policy to be responded to.

d) Assurance check of MOUs/SLAs

The Head of Corporate Services introduced the outcome of the review and following discussion changes to improve governance and performance as recommended by A&RA committee were agreed as proposed by Hugh McKeag and seconded by Alan Hunter.

e) Review of Business Continuity Plan

The review and recommendation for no changes other than updating administrative details was noted.

HR Committee

f. Minutes of meeting No 35 – 12 October 2022

The minutes of the HR Committee held on 12 October 2022 were approved for publication as proposed by Hugh McKeag and seconded by Séamus Magee. An update on the most recent committee meeting was provided. The Chair noted that plans for a review of committees previously discussed by the board would be delayed pending any scheme of delegation and appointment of a new Chief Commissioner.

AP 15: Minutes of HR Committee meeting 12 October 2022 to be published on website.

g. Review of Hybrid working policy pilot

The Board welcomed the report and noted further very positive staff views regarding the hybrid working policy.

Schedule 1 Decisions

Sole Commissioner registration decisions 15 February 2022

Decisions were noted.

Sole Commissioner registration decisions 22 November 2022

Decisions were noted.

7. Charity Services Report

The Head of Charity Services introduced the report. Commissioners noted plans underway to make courts aware of the Commission's responsibilities under section 54 of the Charities Act (NI) 2008. Following a query, it was agreed to bring forward a further amendment to the Schedule 1 procedure to ensure a deferred decision is brought back to the original panel. Board members indicated they would like to keep current appendices to the report.

AP 16: CEX to amend schedule 1 operating procedure to ensure a deferred decision is brought back to the original committee.

8. Compliance and Enquiries Report

The Chief Executive introduced the report. Various queries were addressed, and it was agreed to send an interim response to a complainant.

Commissioners noted further progress regarding the Independent Counsel action plan. Board members indicated they would like to keep current appendices to the report.

9. Corporate Service Report

The Head of Corporate Services introduced the report. Following discussion the Board approved changes to the Media Handling protocol and procedures in furtherance of the Independent Review as proposed by Hugh McKeag and seconded by Patricia Kelly. Commissioners also approved project work underway to review and redesign the Commission's website. On the

recommendation of the ICT Strategy Board, it was agreed not to proceed with changing current hosting of on-line services as proposed by Hugh McKeag and seconded by Patricia Kelly.

AP 17: Media Handling protocol and procedures v 3.0 to be implemented going forward.

10. Issues for next meeting

The Chair noted a number of items had already been identified for the next meeting.

11. AOB

The Chair noted thanks to staff and Commissioners for all their hard work over the year.

Meeting ended at 12.25 pm

Register of Outstanding Action Points

Board Meeting and Action Point Number	Date Raised	Agenda Item	Action	Owners	Status
102 (1)	19/12/2022	1	Minutes of Board Meeting No 101, 14 November 2022 to be published on CCNI website.	HCorpS	Complete
102 (2)	19/12/2022	4	Chief Executive to provide feedback on behalf of the Commission to sponsor department regarding its recent strategic workshop.	CEx	Complete
102 (3)	19/12/2022	5b	Enquiries Manual v9.0 to be implemented.	HoCE	Underway
102 (4)	19/12/2022	5b	Statistics on the number of cases below the financial threshold to be provided at the next Board meeting.	HoCE	Complete
102 (5)	19/12/2022	5b	Further clarification to be provided on which section of the Act covers which aspects of information sharing.	HoCE	Underway
102 (6)	19/12/2022	5c	Registration Manual v18.0 to be implemented.	HoCS	Underway
102 (7)	19/12/2022	5e	Department of Finance to be asked to provide a letter to address an error in the current licence.	HCorpS	Underway
102 (8)	19/12/2022	5e	A review of accommodation needs to be undertaken in early 2023.	HCorpS	Underway
102 (9)	19/12/2022	5e	Resource returns and a strategic resource business case to be prepared and submitted to sponsor team based on option 3.	HCorpS	Complete

102 (10)	19/12/2022	5f	Action plan including disposal schedule to be implemented.	HCorpS	Underway
102 (11)	19/12/2022	5a	CEx to seek further Counsel advice and bring back a further proposal to a future board meeting.	CEx	Underway
102 (12)	19/12/2022	6a	Minutes of meeting No 53 – 13 September 2022 to be published on the website.	HCorpS	Complete
102 (13)	19/12/2022	6c	Raising Concerns about Commission policy v2.0 to be implemented	HCorpS	Underway
102 (14)	19/12/2022	6c	Correspondence relating to the Commission's policy to be responded to.	HCorpS	Complete
102 (15)	19/12/2022	6f	Minutes of HR Committee meeting 12 October 2022 to be published on website.	HCorpS	Complete
102 (16)	19/12/2022	7	CEX to amend schedule 1 operating procedure to ensure a deferred decision is brought back to the original committee.	CEx	Complete
102 (17)	19/12/2022	9	Media Handling protocol and procedures v 3.0 to be implemented going forward.	HCorpS	Underway
101(6)	14/11/2022	5d	S54 staff guidance to be implemented	Legal	Complete
101(7)	14/11/2022	5e	Policy re handling past transfers to be implemented	Legal	Complete
101(8)	14/11/2022	5f	Safeguarding policy to be implemented	HCorpS	Underway
101(9)	14/11/2022	5g	HR business case to be progressed	HoCS	Underway
100(2)	26/09/2022	4	Meetings with other regulators to involving Commissioners to be set up	CEx	Underway
100(5)	26/09/2022	5c	Discussion to be held with DfC on preparation of business case.	Legal	Complete
100(10)	26/09/2022	6d	Risk Workshop to be planned for later this year or early next year.	HCorpS	Underway

100(12)	26/09/2022	7	Regularising decisions step to be removed from manuals.	HCS	Complete
99 (7)	27/06/2022	5b	Meeting with Legal Commissioner re equality scheme to be arranged	HCorpS	Underway
99 (8)	27/06/2022	5d	Identify unit cost of registrations	HCS	Underway
99 (14)	27/06/2022	6e	Statement approach to HR Connect processing related policy to be implemented.	HCorpS	Underway
99 (15)	27/06/2022	7	DfC to be asked to look at options related to how the Commission accesses legal advice and how legal officers are supported and remunerated.	CEX	Complete
98 (7)	16/05/2022	5e	Training in complaint handling and dealing with trauma to be arranged.	CEx/ HCorpS	Underway
98 (13)	16/05/2022	7	Amended Publication Policy version 6.0 to be implemented going forward.	HCorpS	Complete
95 (10)	20/12/2021	6g	Hybrid working policy to be implemented on a pilot basis as permitted by Executive pandemic restrictions.	HCorps	Underway
94 (3)	15/11/21	5a	Corporate Social Responsibility policy to be developed as part of the next strategic planning process.	HCorpS	Underway
92(6)	27/09/21	5b	Existing MOUs to be reviewed.	HChS	Complete
90(8)	17/05/21	5d	Impact of the Stakeholder Forum to be measured via the Research Strategy.	HChS	Underway
90(10)	17/05/21	6b	Information on other regulators' risk register approaches to be collated for Board risk workshop.	HCorpS	Underway
85(3)	09/11/20	3	Commissioners are to join in on staff welfare events.	HCorpS	Complete
85(5)	09/11/20	4b	New enquiries 'concerns about charities' on line form to be implemented	HCE	Underway