Partnership Agreement between the Department for Communities and the Charity Commission for Northern Ireland.

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CONTENTS

Introduction 2

1. The Partnership Agreement 3

The Commission's Establishment and Purpose 6

2. Statutory Purpose and Strategic Objectives 6

The Commission's Governance Arrangements 9

3. Organisational Status 9
4. Governance Framework 9
5. The Commission's Board 10
6. Audit and Risk Assurance Committee 12
7. The Commission's Chair 13
8. The Commission's Chief Executive 13

Role of the Department for Communities 16

9. Partnership Working with the Commission 16
10. Lead Official 17
11. Special Measures 18
12. Annual Engagement Plan 19
13. Departmental Accounting Officer 20
14. Attendance at Public Accounts Committee 21

Assurance Framework 22

15. Autonomy and Proportionality 22
16. Board Effectiveness 23
17. Board Appraisals 24
18. Internal Audit Assurance 24
19. Externally Audited Annual Report and Accounts 25

Signatories 27

Annex 1 – Applicable Legislation 28

Annex 2 – Annual Engagement Plan 29

Annex 3 – Delegations 33
Annex 4 – Illustrative System of Assurance 44
Annex 5 – Concerns/Complaints in respect of Board members 45
Annex 6 - Applicable Guidance 47
Annex 7 – Role of the Minister 48
Annex 8 – Partnerships between Departments and Arm's Length Bodies: NI Code of Good Practice 49

Introduction

1. The Partnership Agreement

1.1 This document sets out the partnership arrangements between the Charity Commission for Northern Ireland (the Commission) and the Department for Communities (the Department). In particular, it explains the overall governance framework within which the Commission operates, including the framework through which the necessary assurances are provided to stakeholders. Roles/responsibilities of partners within the overall governance framework are also outlined.

1.2 The partnership is based on a mutual understanding of strategic aims and objectives; clear accountability; and a recognition of the distinct roles each party contributes. The Commission is the statutory regulator of charities in Northern Ireland, the functions and duties of which are set out in the Charities Act (Northern Ireland) 2008 (the Act). The Department is responsible for the charities regulatory framework, as determined by the policy and legislation enacted by the NI Assembly. The Department also has a responsibility to ensure that the Commission carries out its statutory obligations to a high standard, in the wider public interest and in a way that commands stakeholder and public confidence. Underpinning the arrangements are the principles set out in the NI Code of Good Practice ***'Partnerships between Departments and Arm's-Length Bodies'*** which should be read in conjunction with this document. The principles which are laid out in the Code are:

LEADERSHIP
Partnerships work well when departments and Arm's Length Bodies demonstrate good leadership to achieve a shared vision and effective delivery of public services. Strong leadership will provide inspiration, instil confidence and trust and empower their respective teams to deliver good outcomes for citizens.
PURPOSE
Partnerships work well when the purpose, objectives and roles of Arm's Length Bodies and the sponsor department are clear, mutually understood and reviewed on a regular basis. There needs to be absolute clarity about lines of accountability and responsibility between departments and Arm's Length Bodies. In exercising statutory functions Arm's Length Bodies need to have clarity about how their purpose and objectives align with those of departments.
ASSURANCE
Partnerships work well when departments adopt a proportionate approach to assurance, based on Arm's Length Bodies' purpose and a mutual understanding of risk. Arm's Length Bodies should have robust governance arrangements in place and in turn departments should give Arm's Length Bodies the autonomy to deliver effectively. Management information should be what is needed to enable departments and Arm's Length Bodies to provide assurance and assess performance.
VALUE
Partnerships work well when departments and Arm's Length Bodies share knowledge, skills and experience in order to enhance their impact and delivery. Arm's Length Bodies are able to contribute to policy making and departmental priorities. There is a focus on innovation, and on how departments and Arm's Length Bodies work together to deliver the most effective policies and services for its customers.
ENGAGEMENT
Partnerships work well when relationships between departments and Arm's Length Bodies are open, honest, constructive and based on trust. There is mutual understanding about each other's objectives and clear expectations about the terms of engagement.

A full copy of the NI Code can be found at Annex 8.

1.3 This document should also be read in conjunction with guidance on proportionate autonomy which provides an outline of the principles and characteristics for proportionate autonomy. Guidance on proportionate autonomy has been considered in determining the extent of engagement and assurance to be established between the Commission and the Department and this is reflected in this agreement.

1.4 The Department and the Commission are committed to:

- working together within their distinct roles and responsibilities;
- maintaining focus on successful delivery of Programme for Government outcomes and Ministerial priorities;
- working together to implement the recommendations from the Independent Review of Charity Regulation;
- maintaining open and honest communication and dialogue, including constructive challenge where deemed appropriate;
- keeping each other informed of any issues and concerns, and of emerging areas of risk;
- supporting and challenging each other on developing policy and delivery [when developing policy this may cut across more than one department];
- seeking to resolve issues quickly and constructively; and
- acting at all times in the public interest and in line with the values of integrity, honesty, objectivity and impartiality.

1.5 The effectiveness of the partnership and the associated Engagement Plan will be reviewed each year by the Department and the Commission in order to assess whether the partnership is operating as intended and to identify any emerging issues/opportunities for enhancement. This can be carried out as part of existing governance arrangements. The Partnership Agreement document itself will be reviewed formally at least once every three years[1] to ensure it remains fit for purpose and up to date in terms of current governance frameworks. The formal review will be proportionate to the Commission's size and overall responsibilities and will be published on the Department's and Commission's websites as soon as practicable following completion. Either party to the Partnership Agreement may request any amendment or update to it at any time.

1.6 A copy of this agreement has been placed in the Assembly Library and is available on the Department's and the Commission's websites.

[1] Review will be initiated by the relevant DfC Sponsor Team, taking account of guidance/direction from DoF.

The Commission's Establishment and Purpose

2. Statutory Purpose and Strategic Objectives

2.1 The Charity Commission for Northern Ireland is a non-departmental public body (NDPB) established under the Charities Act (Northern Ireland) 2008 (the 2008 Act), sponsored by the Department. For national accounts purposes the Commission is classified to the central government sector.

2.2 The Commission is the statutory regulator of charities in Northern Ireland and is established as a body corporate under section 6 of the 2008 Act. The Charities Act (Northern Ireland) 2022 (the 2022 Act) stipulates that some of the Commission's functions may never be delegated to staff. Functions delegated to Commission staff are set out in a Scheme of Delegation made by the Department following public consultation. The Commission is accountable to the Department but maintains operational independence in discharging its statutory functions and decision making. Individuals and organisations have a right to seek an internal review by the Commission of all statutory decisions and have a right of appeal to the Charity Tribunal and courts, in accordance with Schedule 3 of the 2008 Act.

2.3 The 2008 Act gives the Commission a range of powers, including those set out below.

- **Charity Status:** Deciding whether institutions qualify as charities.
- **Charity Oversight:** Promoting better charity administration and investigate misconduct or mismanagement.
- **Public Collections:** Issuing and managing public charitable collection certificates.
- **Information Management:** Gathering, assessing, and sharing information relevant to its functions.
- **Advisory Role:** Providing advice or proposals to the Department on relevant matters.
- **Charity Register:** Maintaining an accurate and current register of charities.

- **Departmental Support:** Responding to Department requests for information or advice.

The Commission also has authority across a range of General Duties:

- acting in ways that align with and best achieve its objectives;
- promoting charitable giving and voluntary charity work;
- using resources efficiently, effectively, and economically;
- following best regulatory practices (proportionality, accountability, consistency, transparency, and targeted action);
- supporting innovation within the charity sector; and
- upholding good corporate governance principles.

The Commission may also take actions that support or are incidental to its functions, though it cannot act as a charity trustee or directly manage a charity, except when exercising specific statutory powers (e.g., under sections 36 or 37).

2.4 The Minister for Communities is answerable to the Assembly for the overall performance and delivery of both the Department and the Commission. Therefore, whilst the Department has no direct role in the delivery of the Commission's statutory functions, it has a duty to ensure that the Commission in discharging its functions meets the standards to be expected of an effective regulator. This distinction differentiates between the independence of the Commission in delivering its statutory functions and being accountable to the Minister [and by extension the Department] in relation to governance.

2.5 The Executive's approach to delivery recognises the importance of arm's length bodies and departments working collaboratively and together in a joined-up approach to improve overall outcomes and results.

To that end, there is strategic alignment between the aims and objectives of the Department and the Commission. The strategic aims of the Commission are laid out in its corporate plan which has taken account of its statutory responsibility to regulate charities in Northern Ireland, aligned to Programme for Government delivery and Departmental strategic priorities. The Commission aims to:

increase public trust and confidence in charities; promote awareness and understanding of the operation of the public benefit requirement; promote compliance by charity trustees with their legal obligations in exercising control and management of the administration of their charities; promote the effective use of charitable resources; enhance the accountability of charities to donors, beneficiaries and the public; and to manage itself [the Commission] as an effective and efficient non departmental public body. The Department works in partnership with the Commission to ensure good governance, maximise delivery and secure value for money.

The Commission's Governance Arrangements

3. Organisational Status

3.1 The Commission is a legal entity in its own right, employing its own staff and operating at arm's-length from the Department. As a legal entity it must comply with all associated legislation, including legislation relating to its employer status.

4. Governance Framework

4.1 The Commission has an established corporate governance framework which reflects all relevant good practice guidance. The framework includes the governance structures established within the Commission and the internal control and risk management arrangements in place. This includes its Board and Committee structure. The Department is satisfied with the framework.

4.2 An account of this is included in the Commission's Annual Governance Statement, together with the Commission Board's assessment of its compliance with the extant Corporate Governance Code of Good Practice (NI). Any departure from the Corporate Governance Code must be explained in the Governance Statement. The extant Corporate Governance Code of Good Practice (NI) is available on the Department of Finance (DoF) website.

4.3 The Commission is required to follow the principles, rules, guidance and advice in *Managing Public Money Northern Ireland*. A list of other applicable guidance and instructions which the Commission is required to follow is set out in Annex 6. Good governance should also include positive stakeholder engagement, the building of positive relationships and a listening and learning culture. To this end, the Commission has established a stakeholder forum to support the exchange of views on all matters concerning charity regulation in NI.

5. The Commission's Board

5.1 The Commission is led by a Board, all of whom are appointed by the Minister. The Commission's Board, when fully constituted, is comprised of a chairperson, a deputy chairperson and at least three, but no more than five, Commissioners. At least one Commissioner must be legally qualified. The appointment process for Commissioners complies with the Code of Practice on Public Appointments for Northern Ireland. Commissioners act collectively as a Board, setting the strategic direction for the organisation, within the overall framework agreed by the Minister for Communities.

5.2 As Public Appointees, Commissioners are office holders rather than employees and are therefore not subject to employee terms and conditions. Board members are subject to such Charity Commission policies and procedures as are in place to support and guide the delivery of services. Board appraisal arrangements are set out in paras 17.1 and 17.2 and matters for consideration in dealing with concerns/complaints in respect of Board members are provided in Annex 5.

5.3 The Board's operating framework/terms of reference provides further detail on roles and responsibilities and is supplementary to this Partnership Agreement. The Board has responsibility for the strategy and future direction of the Commission and the effective and efficient delivery of its plans and functions. In addition to these governance functions the Board is responsible for all statutory decisions required by the 2008 Act, although may delegate some to staff in accordance with the Scheme of Delegation.

5.4 The purpose of the Commission's Board is to provide effective leadership and strategic direction to the organisation and ensure the policies and priorities set by the Minister for Communities are implemented. It is responsible for ensuring the organisation has effective and proportionate governance arrangements in place and an internal control framework which allow risks to be effectively identified and managed. The Board will set the culture and values of the organisation and set the tone for the organisation's engagement with

stakeholders and customers having regard to the overall direction for such matters determined by the Minister for Communities as reflected in ongoing engagement with senior Departmental officials.

5.5 The Board is responsible for holding the Chief Executive to account for the management of the organisation and the delivery of agreed plans and outcomes. The Board should also support the Chief Executive as appropriate in the exercise of their duties.

5.6 Board members act solely in the interests of the Commission and must not use the Board as a platform to champion their own interests or pursue personal agendas. They occupy a position of trust, and their standards of action and behaviour must be exemplary and in line with the seven principles of public life (Nolan principles). The Commission has a Board Code of Conduct and there are mechanisms in place to deal with any Board disputes/conflicts to ensure they do not become wider issues that impact on the effectiveness of the Board. A Board Register of Interests is maintained, kept up to date and is publicly available to help provide transparency and promote public confidence in the Commission.

5.7 Communication and relationships within the Board are underpinned by a spirit of trust and professional respect. The Board recognises that using consensus to avoid conflict or encouraging members to consistently express similar views or consider only a few alternative views may not encourage constructive debate and does not give rise to an effective Board dynamic.

5.8 It is for the Board to decide what information it needs, and in what format, for its meetings/effective operation. If the Board is not confident that it is being fully informed about the organisation this will be addressed by the Chair of the Board as the Board cannot be effective with out-of-date or only partial knowledge.

5.9 In order to fulfil their duties, Board members must undertake initial training, and regular ongoing training and development. Review of Board skills and development will be a key part of the annual review of Board effectiveness and the Chair will detail development needs in Commissioners' annual appraisals.

6. Audit and Risk Assurance Committee

6.1 A further important aspect of the Commission's governance framework is its Audit and Risk Assurance Committee, established in line with the extant Audit and Risk Assurance Committee Handbook (NI).

6.2 The Audit and Risk Assurance Committee's purpose/role is to support the Accounting Officer and Board on governance issues. In line with the handbook the Audit and Risk Assurance Committee focuses on:

- assurance arrangements over governance; financial reporting; annual reports and accounts, including the Governance Statement; and
- ensuring there is an adequate and effective risk management and assurance framework in place.

6.3 As part of this agreement the Commission and the Department will put in place arrangements in respect of Audit and Risk Assurance Committees which must include but are not limited to:

- attendance by Departmental representatives in an observer capacity at the Commission's Audit and Risk Assurance Committee meetings;
- access to Commission Audit and Risk Assurance Committee papers and minutes; and
- any input required from the Commission's Audit and Risk Assurance Committee to the Departmental Audit and Risk Assurance Committee.

6.4 Full compliance with the Audit and Risk Assurance Committee Handbook (NI) is an essential requirement. In the event of significant non-compliance with the handbook's five good practice principles (or other non-compliance), discussion will be required with the Department and a full explanation provided in the annual Governance Statement.

6.5 The extant Audit and Risk Assurance Committee Handbook (NI) is available on the DoF website.

7. The Commission's Chair

7.1 The Chief Commissioner is the Chair of the Board. The Chair is responsible for setting the agenda and managing the Board to enable collaborative and robust discussion of issues. The Chair's role is to develop and motivate the Board and ensure effective relationships in order that the Board can work collaboratively to reach effective decisions. To achieve this, he or she should ensure:

- the Board has an appropriate balance of skills appropriate to its business;
- Board members are fully briefed on terms of appointment, duties, rights and responsibilities;
- Board members receive and maintain appropriate training;
- the Minister is advised of the Commission's needs when board vacancies arise;
- there is a Board Operating Framework in place setting out the roles and responsibilities of the Board in line with relevant guidance; and
- there is a code of practice for Board members in place, consistent with relevant guidance.

7.2 The role also requires the establishment of an effective working relationship with the Chief Executive that is simultaneously collaborative and challenging. It is important that the Chair and Chief Executive act in accordance with their distinct roles and responsibilities as laid out in Managing Public Money and their appointment letters.

7.3 The Chair has a presence in the organisation and cultivates external relationships which provide useful links for the organisation while being mindful of overstepping boundaries and becoming too involved in day-to-day operations or executive activities.

8. The Commission's Chief Executive

8.1 The role of the Commission's Chief Executive is to run the Commission's business. The Chief Executive is responsible for all executive management

matters affecting the organisation and for leadership of the executive management team.

8.2 The Chief Executive is designated as the Commission's Accounting Officer by the Departmental Accounting Officer (see section 13). As Accounting Officer, they are responsible for safeguarding the public funds in their charge and ensuring they are applied only to the purposes for which they were voted and more generally for efficient and economical administration.

8.3 The Chief Executive is accountable to the Board for the organisation's performance and delivery of outcomes and targets and is responsible for implementing the decisions of the Board and its Committees. The Chief Executive maintains a dialogue with the Chair on the important strategic issues facing the organisation and for proposing Board agendas to the Chair to reflect these. She/he ensures effective communication with stakeholders and communication on this to the Board. She/he also ensures that the Chair is alerted to forthcoming complex, contentious or sensitive issues, including risks affecting the organisation.

8.4 The Chief Executive acts as a role model to other executives by exhibiting open support for the Chair and Board members and the contribution they make. The Chair and Chief Executive have agreed how they will work together in practice, understanding and respecting each other's role, including the Chief Executive's responsibility as Accounting Officer.

8.5 Further detail on the role and responsibilities of the Chief Executive is laid out in Managing Public Money NI and their Accounting Officer appointment letter.

8.6 The Chief Executive is the Principal Officer for handling cases involving the NI Public Sector Ombudsman. He/she shall advise the Departmental Accounting Officer of any complaints about the Commission accepted by the Ombudsman for investigation, and about the proposed response to any subsequent recommendations from the Ombudsman. The Chief Executive is responsible for

ensuring that the organisation learns from the findings of any such cases and proposing any changes in procedures arising from such findings to the Board.

8.7 The Chief Executive is responsible for the day-to-day management of the Commission's staff, and for determining the staffing structure to meet operational needs and to carry out its statutory functions.

8.8 The Chief Executive is responsible for employee and industrial relations within the Commission. The Chief Executive is committed to fostering good employee and industrial relations as an important aid to achievement of the Commissions' objectives and will ensure effective communication and consultation with all staff and their recognised trade union representatives.

Role of the Department for Communities

9. Partnership Working with the Commission

9.1 The Department and the Commission are part of a total delivery system, within the same Ministerial portfolio. The Department being responsible for the regulatory framework and any legislation required, the Commission for the delivery of its functions and duties as set out in applicable legislation and any Scheme of Delegation made by the Department and for other operational matters in accordance with applicable legislation or instructions issued by the Department or the Department of Finance (DoF). The partnership between the Department and the Commission is open, honest, constructive and based on trust. There is mutual understanding of each other's objectives and clear expectations on the terms of engagement.

9.2 In exercising its functions, the Commission should have absolute clarity on how its purpose and objectives align with those of the Department. There is early engagement between the Department and the Commission to discuss risks. This leads to a shared understanding of the risks that may impact on each other, and these are reflected in respective Risk Registers.

9.3 There is a regular exchange of skills and experience between the Department and the Commission and where necessary joint delivery arrangements. The Commission may also be involved as a partner in policy development and provides advice on policy implementation and the impact of policies in practice.

9.4 DoF has established, on behalf of the Assembly, a delegated authority framework which sets out the circumstances where prior DoF approval is required before expenditure can be occurred or commitments entered into. The Accounting Officer of the Department has established an internal framework of delegated authority for the Department and its ALBs which applies to the Commission. Other specific approval requirements established in respect of the Commission are set out at Annex 3.

9.5 The Department will allocate annually a budget to the Commission within which the Commission will deliver its statutory functions. Sponsor Team will engage with the Commission and keep under review the Commission's baseline and budget allocation. Once the Commission's budget has been approved by the Minister and subject to any restrictions imposed by statute the Commission shall have authority to incur expenditure approved in the budget without further reference to the Department. Inclusion of any planned and approved expenditure in the budget shall not however remove the need to seek formal departmental approval where proposed expenditure is outside the delegated limits (as laid out in Annex 3) or is for new schemes not previously agreed. Nor does it negate the need to follow due processes laid out in guidance contained in Managing Public Money NI and the NI Guide to Expenditure Appraisal and Evaluation.

9.6 The Commission will have proportionate autonomy to manage its finances [subject to necessary controls] subject to plans being in place to deliver a balanced budget; if the Commission is unable to plan for, and manage, a balanced budget the Department will provide increased scrutiny and support. Further guidance on the proper handling and reporting of public money, together with the main principles that public sector organisations adhere to in dealing with resources can be found under Managing Public Money NI.

10. Lead Official

10.1 The Department has appointed the Director of Voluntary and Community Division (VCD) as the Senior Sponsor to manage the relationship with the Commission and ensure effective partnership working. Day-to-day issues will be managed by the Head of the Sponsor Team. Engagement between the Department and the Commission will be co-ordinated, collaborative and consistent. A clear sense of collaboration and partnership will be communicated to staff in both the Department and the Commission in order to promote mutual understanding and support.

10.2 The Lead Senior Official, supported by the Head of the Charities Policy Team, is the policy lead for the policy area relating to the Commission's business and has a

clear understanding of the Commission's responsibilities for policy implementation, operational delivery and the relevant audiences/stakeholders involved.

10.3 The Lead Senior Official will ensure that where there are Departmental staff changes, time is taken to ensure they have a full understanding of the Commission's business and challenges.

11. Special Measures

11.1 DoF Governance and Risk Guidance outlines expectations for corporate governance, including:

- Accountability and propriety
- Risk management
- Delegated authorities
- Board appointments and training

11.2 While this guidance does not define "special measures" per se, it includes protocols for escalating concerns, such as:

- DAO (DoF) 10/16: Lessons from PAC hearings into governance failures (e.g. Northern Ireland Events Company)
- DAO (DoF) 03/24: Guidance on responding to Northern Ireland Audit Office (NIAO) reports

These documents suggest that when governance failures occur, departments and their sponsored bodies may be subject to heightened scrutiny, mandatory reporting, and corrective action plans—effectively functioning as special measures.

12. Annual Engagement Plan

12.1 The Department and the Commission will agree an engagement plan before the start of each business year. The Annual Engagement Plan (Annex 2) will set out the timing and nature of engagement between the Commission and the Department. The engagement plan is not an exhaustive list as other engagement may be required through the year; however, this should not stray into operational oversight. It will be important for the Department to be made aware in a timely fashion of any major issues brought before the Charity Tribunal and their potential consequences or any other issues where there is potential for the Department to be engaged.

12.2 Engagement between the Department's Senior Lead Official, Sponsor Team and the Commission will be centred on partnership working, understanding of shared risks and working together on business developments that align with policy objectives.

12.3 In line with relevant guidance[2], the Commission will work in collaboration and partnership with the Department to prepare corporate and business plans. There should be good high level strategic alignment between departmental and the Commission plans. Once approved it will be the Board of the Commission that primarily holds the Chief Executive to account for delivery and performance. The Department will engage with the Commission on areas of strategic interest.

12.4 The Annual Engagement Plan will also reference the agreed management and financial information to be shared over the course of a year. The aim will be to ensure clear understanding of why information is necessary and how it will be used. Where the same, or similar information is required for internal governance information requirements will be aligned so that a single report can be used for both purposes. In addition, the engagement plan will consider opportunities for learning and development, growth and actions which could help achieve better outcomes.

[2] Guidance issued by TEO on NICS Work Programme which includes guidance on business planning for an outcomes-based PfG/ODP

13. Departmental Accounting Officer

13.1 The Departmental Accounting Officer is accountable to the NI Assembly for the issue of grant in aid to the Commission. He/she has designated the Chief Executive of the Commission as the Commission's Accounting Officer and respective responsibilities of the Departmental Accounting Officer and the Commission's Accounting Officer are set out in Chapter 3 of Managing Public Money Northern Ireland. The Departmental Accounting Officer may withdraw the Commission's Accounting Officer designation if he/she concludes that the Commission's Accounting Officer is no longer a fit person to carry out the responsibilities of an Accounting Officer or that it is otherwise in the public interest that the designation be withdrawn. In such circumstances the Commission Board will be given a full account of the reasons for withdrawal and a chance to make representations. Withdrawal of the Commission's Accounting Officer status would bring into question employment as Chief Executive and the Chair should engage with the Department should such circumstances arise.

13.2 As outlined in section 8, the Commission's Chief Executive is accountable to the Commission Board for his/her stewardship of the Commission. This includes advising the Board on matters of financial propriety, regularity, prudent and economical administration, efficiency and effectiveness.

13.3 The Departmental Accounting Officer must be informed in the event that the judgement of the Commission Accounting Officer (on matters for which they are responsible) is over-ridden by the Commission Board. The Commission's Accounting Officer must also take action if the Commission Board is contemplating a course that would infringe the requirement for financial propriety, regularity, prudent and economical administration, efficiency or effectiveness. In all other regards, the Departmental Accounting Officer has no day-to-day involvement with the Commission or its Chief Executive.

13.4 In line with DoF requirements, the Commission's Accounting Officer will provide an annual declaration of fitness to act as Accounting Officer to the Departmental Accounting Officer.

14. Attendance at Public Accounts Committee

14.1 The Commission's Chief Executive/Accounting Officer may be summoned to appear before the Public Accounts Committee to give evidence on the discharge of their responsibilities as Accounting Officer (as laid out in their Accounting Officer appointment letter) on issues arising from the Comptroller & Auditor General's studies or reports following the annual audit of accounts.

14.2 The Chair may also, on occasion, be called to give evidence to the Public Accounts Committee on such relevant issues arising within the Comptroller & Auditor General's studies or reports, in relation to the role and actions taken by the Board, where appropriate.

14.3 In addition, the Department's Accounting Officer may be summoned to appear before the Public Accounts Committee to give evidence on the discharge of their responsibilities as Departmental Accounting Officer with overarching responsibility for the Commission. In such circumstances, the Departmental Accounting Officer may therefore expect to be questioned on their responsibilities to ensure that:

- there is a clear strategic control framework for the Commission;
- sufficient and appropriate management and financial controls are in place to safeguard public funds;
- the nominated Accounting Officer is fit to discharge his or her responsibilities;
- there are suitable internal audit arrangements;
- accounts are prepared in accordance with the relevant legislation and any accounting direction; and
- intervention is made, where necessary, in situations where the Commission Accounting Officer's advice on transactions in relation to regularity, propriety or value for money is overruled by the body's Board or its Chair.

Assurance Framework

15. Autonomy and Proportionality

15.1 The Department will ensure that the Commission has the autonomy to deliver effectively, recognising its status as a separate legal entity which has its own Board and governance arrangements. Statutory decisions taken by the Commission can only be challenged through the Charity Tribunal and courts as provided for in the Act, not by the Department. However, the Department can seek assurances on how statutory decisions are reached if a pattern emerges which raises concerns with the Department through the established sponsorship arrangements. Guidance on proportionate autonomy has been considered in determining the extent of engagement and assurance established between the Department and the Commission and is reflected in this agreement.

15.2 A proportionate approach to assurance will be taken based on the Commission's overall purpose, business and budget and a mutual understanding of risk. The approach will include an agreed process through which the Commission Accounting Officer provides written assurance to the Department that the public funds and organisational assets for which they are personally responsible are safeguarded, have been managed with propriety and regularity, and use of public funds represents value for money. (Refer to Paragraph 9.6 for reference to MPMNI and the role of the Accounting Officer.)

15.3 Recognising the governance arrangements in place within the organisation, the Commission's Accounting Officer will arrange for their written assurance to be discussed at the Commission's Audit and Risk Assurance Committee and presented to the Commission Board prior to submission to the Department where possible. If not possible, or practicable, the Chair of the Commission Board should have sight of the assurance statement, prior to being submitted to the Department.

15.4 The Commission Chair will provide written confirmation that the Commission's Accounting Officer's formal assurance has been considered by the Board and is reflective of the Commission's current position.

15.5 In addition to the Commission's Accounting Officer's written assurance, the Department will take assurance from the following key aspects of the Commission's own governance framework:

- Annual Review of Board Effectiveness;
- Completion of Board Appraisals which confirm Board member effectiveness;
- Internal Audit assurance;
- External Quality Assessment of the Internal Audit function; and
- Externally audited Annual Report and Accounts, reviewed/considered by the Commission's Audit and Risk Assurance Committee.

16. Board Effectiveness

16.1 The Commission Chair will ensure that the Commission Board undertakes an annual review of Board Effectiveness [3] which encompasses committees established by the Board.

16.2 The Chair will discuss the outcome of the annual review of Board Effectiveness with the lead official to ensure a partnership approach to any improvements identified. This will inform the annual programme of Board training/development and discussions in respect of Board composition and succession.

16.3 In line with any parameters set out in founding (or other) legislation, the Chair in conjunction with the Department, and Ministers where appropriate, will consider the size and composition of the Commission Board, proportionate to the size and complexity of the Commission and keep this under review.

16.4 In addition to the annual review of Board Effectiveness the Commission will undertake an externally facilitated review of Board effectiveness at least once every three years covering the performance of the Board, its Committees and individual Board members. The Chair will liaise with the Department to identify a

[3] NIAO Good Practice Guide on Board Effectiveness

suitably skilled facilitator for the external review (this can be a peer review and should be proportionate) and will share the findings/outcome report with the Department on completion of the review**.**

17. Board Appraisals

17.1 The Chair of the Commission will conduct an annual appraisal in respect of each Board member which will also inform the annual programme of Board training/ development. The Chair will engage with the Chief Executive/lead official as appropriate on improvements identified through the appraisal process and the annual training/development programme.

17.2 The Chair's annual appraisal will be completed by the DfC Deputy Secretary acting on behalf of the Departmental Accounting Officer. The appraisal will take account of the Key Characteristics of a good chairperson (particularly for the Chair to have well developed interpersonal skills) set out in the NIAO Good Practice Guide on Board Effectiveness available on the NIAO website. There will be close engagement between the Chair and the lead official on improvements identified through the appraisal process.

18. Internal Audit Assurance

18.1 The Commission is required to establish and maintain arrangements for an internal audit function that operates in accordance with the Public Sector Internal Audit Standards (PSIAS). The Department must be satisfied with the competence and qualifications of the Head of Internal Audit and that the requirements for approving appointments are in accordance with PSIAS.

18.2 The Commission will provide its internal audit strategy, periodic audit plans and annual audit report, including the Head of Internal Audit's opinion on risk management, control and governance to the Department. The Commission will ensure the Department's internal audit team have complete right of access to all relevant records.

18.3 DoF provides the internal audit function for the Commission.

18.4 The Commission will alert the Department to any less than satisfactory audit reports at the earliest opportunity on an ongoing basis. The Commission will also alert the Department to a less than satisfactory annual opinion from the Head of Internal Audit at the earliest opportunity. The Commission and the Department will then engage closely on actions required to address the less than satisfactory opinion in order to move the Commission to a satisfactory position as soon as possible.

18.5 The Department will take assurance from the fact that the Commission has met the requirements of PSIAS and has a satisfactory annual opinion from the Head of Internal Audit as part of its overall assurance assessment.

19. Externally Audited Annual Report and Accounts

19.1 The Commission is required to prepare an Annual Report and Accounts in line with the Government Financial Reporting Manual (FreM) issued by DoF and the specific Accounts Direction issued by the Department, and in accordance with the deadlines specified.

19.2 The Comptroller & Auditor General (C&AG) will arrange to audit the Commission's annual accounts and will issue an independent opinion on the accounts. The Department lays the combined Annual Report and Accounts before the Assembly as stipulated in the founding legislation.

19.3 The C&AG will also provide a Report to Those Charged with Governance (RTTCWG) to the Commission which will be shared with the Department.

19.4 The Commission will alert the Department to any likely qualification of the accounts at the earliest opportunity. In the event of a qualified audit opinion or significant issues reported in the RTTCWG, the Department will engage with the Commission on actions required to address the qualification/significant issues.

19.5 The Department will take assurance from the external audit process and an unqualified position as part of its overall assurance assessment.

19.6 The C&AG may carry out examinations into the economy, efficiency and effectiveness with which the Commission has used its resources in discharging its functions. The C&AG may also carry out thematic examinations that encompass the functions of the Commission.

19.7 For the purpose of audit and any other examinations, the C&AG has statutory access to documents as provided for under Articles 3 and 4 of the Audit and Accountability (Northern Ireland) Order 2003.

19.8 Where drawing up a contract, the Commission should ensure that it includes a clause which makes the contract conditional upon the contractor providing access to the C&AG in relation to documents relevant to the transaction. Where subcontractors are likely to be involved, it should also be made clear that the requirements extend to them.

Signatories

The Charity Commission for Northern Ireland (the Commission) and the Department for Communities (the Department) agree to work in partnership with each other in line with the NI Code of Good Practice **'Partnerships between Departments and Arm's-Length Bodies'** and the arrangements set out in this Agreement.

DoF Supply will approve the initial Partnership Agreement between the Commission and the Department and any subsequent variations to the Agreement, if they are significant.



Signed (ALB Chair)
Date 26 September 2025



Signed (ALB Chief Executive)
Date 26 September 2025

Signed (Department – *[at least Senior Lead Official]*)
Date

Annex 1 – Applicable Legislation

The Charities Act (Northern Ireland) 2008

The Charities Act (Northern Ireland) 2013

The Charities (Accounts and Reports) Regulations (Northern Ireland) 2015

The Charities Act 2008 (Transitional Provision) Order (Northern Ireland) 2013

The Charities Act 2008 (Designated Religious Charities) Order (Northern Ireland) 2016

The Whole of Government Accounts (Designation of Bodies) Order 2020

The Interpretation Act (Northern Ireland) 1954

The Charity Tribunal Rules (Northern Ireland) 2010

The Charities (Interim Manager) Regulations (Northern Ireland) 2011

The Charities Act (Northern Ireland) 2022

Annex 2 – Annual Engagement Plan

Good engagement is one of the key principles in the Partnership Code, underpinning the other principles of: Leadership; Purpose; Assurance; and Value.

As laid out in the Code, partnerships work well when relationships between departments and ALBs are open, transparent, honest, constructive and based on trust and when there is mutual understanding of each other's objectives and clear expectations about the terms of engagement.

Engagement Plan		
Policy Development and Delivery		
Policy Area	**Frequency/Timing**	**Senior Sponsor / Commission Lead**
Annual Ministerial meeting with Chair & Chief Executive	Annually	DfC Lead Senior Official Commission Chief Commissioner Commission Chief Executive
The Commission Accountability Meeting	Quarterly	DfC Lead Senior Official Commission Chief Executive
Sponsorship Liaison Meeting	Quarterly	DfC Head of Sponsorship Team Commission Chief Executive
Charities Policy Meeting	Ad Hoc	DfC Head of Charities Policy & Legislation Team CCNI Chief Executive
Strategic Planning		
Activity	**Frequency/Timing**	**Senior Sponsor / Commission Lead**

Strategic Policy Workshop	6 monthly	Commission Chair Commission Commissioners Commission Chief Executive
Creation & Approval of Annual Business Plan – encompassing strategic planning and risk identification. Informed by input on departmental priorities/plans and risk areas	Annually	Commission Chair Commission Commissioners Commission Chief Executive and Senior Management
Assurances		
Action	**Frequency/Timing**	**Senior Sponsor / Commission Lead**
Review of Board Effectiveness	Annual review with an externally facilitated review at least once every three years	Commission Chair
Board Appraisals and planned training/development for Board members	Annually (October – December)	Commission Chair
Chair Appraisal	Annually (May/June)	DfC Lead Senior Official Commission Chair
Departmental Attendance at ARAC	Attendance as observer	Commission ARAC Chair Commission ARAC Members DfC Head of Sponsorship Team (or nominated deputy)
Risk & Assurance Meeting	Bi- annually	DfC CPLG Deputy Secretary DfC Lead Senior Official Commission Chair Commission Deputy Chair

Assurance Statement	Bi-annually	Commission Chief Executive
Draft Governance Statement	Annually (May)	Commission Chief Executive
Annual Report and Accounts	Annually (June)	Commission Chief Executive
Report to those Charged with Governance	Annually	Commission Chair
Engagement on other planned NIAO reports	When required	DfC Head of Sponsorship Team
Head of Internal Audit Annual report/Opinion	Annually (May)	DfC Head of Sponsorship Team Commission Chair
Internal Audit Strategy and Plans		Head of Sponsorship Team, Department Commission Chair
Budget Management		
Item and Purpose	**Frequency/Timing**	**Senior Sponsor / Commission Lead**
Engagement on budget requirements and Forecast Expenditure for the Financial Year	Timing will vary – dependent on prior Executive agreement on budget allocations to departments.	DfC Head of Sponsorship Team
Departmental approval of the annual budget	Timing will vary – dependent on prior Executive agreement on budget allocations to departments.	DfC Head of Sponsorship Team
Engagement on Actuals expenditure and Forecast Expenditure for the Financial Year	Timing will vary between different requests	DfC Head of Sponsorship Team
Other		
Item and Purpose	**Frequency/Timing**	**Senior Sponsor / Commission Lead**

Accounting Officer - Fitness to Act as Accounting Officer	Annual request from the departmental Accounting Officer	DfC Governance Team
Fraud Reporting	Immediate reporting of all frauds (proven or suspected including attempted fraud) and completion on Annual Fraud Return	Commission Chief Executive
Media management protocols	Routine releases to be cleared by the Commission. Items should be referred for approval by Department/Press Office if they are exceptionally significant, may cause issues or have implications for the Department/Minister.	Commission Chief Executive
Preparation of business cases	Business cases to be sent to Department for approval in line with Delegated Authority and Approval Arrangements.	Commission Chief Executive
Whistleblowing cases/ Speaking Up/Raising Concerns.	Whistle blowing procedures as outlined in the DAO (DFP) 11/08 Whistleblowing and DAO (DFP) 02/15 Whistleblowing Guidance are to be followed as and when necessary.	DfC Governance Team

Annex 3 – Delegations

Delegated authorities

The Commission shall obtain the Department's prior written approval before:

- entering into any undertaking to incur any expenditure that falls outside the delegations, or which is not provided for in the ALB's annual budget as approved by the Department;
- incurring expenditure for any purpose that is or might be considered novel or contentious, or which has or could have significant future cost implications;
- making any significant change in the scale of operation or funding of any initiative or particular scheme previously approved by the Department;
- making any change of policy or practice which has wider financial implications that might prove repercussive, or which might significantly affect the future level of resources required; or
- carrying out policies that go against the principles, rules, guidance and advice in Managing Public Money Northern Ireland.

The Commission's Specific Delegated Authorities

DELEGATED EXPENDITURE LIMITS

General

The Commission has a Financial Procedures Manual which is reviewed regularly by the Audit and Risk Committee and any revisions approved by the Board.

DoF and internal DfC approval requirements detailed in this guidance apply to both DfC and its Arm's Length Bodies. It has been approved for issue by Departmental Management Board.

All relevant approval arrangements must be applied before making commitments or incurring expenditure.

Business Cases

The principles of the Five Case Model must be applied to all proposals that involve spending or saving public money, including EU funds, and to all proposed changes in the use of public resources. There are no exceptions to this general requirement.

The key source of guidance around the Five Case Model is the HMT 'Business Case Guidance for Projects'. This guidance is supplemented by additional, NI-specific guidance to suit particular types of expenditure and spending proposals. This further guidance is set out in a series of Guidance Notes on the DoF website. It is always vital to apply proportionate effort. The effort required to assess a small expenditure is very much less than that needed to justify a major programme or a large project.

Business cases should focus on examining the pros and cons of spending proposals from a Northern Ireland perspective. However, there is flexibility to consider significant impacts upon other territories such as Great Britain, the Republic of Ireland, and the rest of the EU, where they are considered relevant or as outlined in the HMT Green Book.

Where the minimum number of quotation/tenders is not obtained

Where the Commission is unable to obtain a sufficient number of tenders, it must advise the Department of the situation and supply reasons for insufficient number of quotes/tenders having been obtained.

DoF Approval Requirements

Dear Accounting Officer Letter DAO (DoF) 05/25 formally conveys delegated authority to all departments to incur expenditure within defined financial limits or other restrictions. Where expenditure or commitments fall outside of these limits and restrictions then there is a requirement for prior written DoF approval.

DAO (DoF) 04/23 advises of updates to Managing Public Money Northern Ireland based on the updated 2023 HM Treasury MPM guidance, but appropriate changes/additions have been made in the Northern Ireland guidance to reflect the local context where required. Managing Public Money NI sets out the categories of expenditure where authority is never delegated to departments and prior written DoF

approval is always required. All expenditure which is novel, potentially contentious, repercussive or which could set a potentially expensive precedent must have prior DoF approval irrespective of value (even if it appears to offer value for money if taken in isolation).

Procurement Policy Note (PPN) 04/21 outlines the Procurement Control Limits which are designed to ensure procurement practices are proportionate to the level of public spend. The Control Limits were increased on 6 March 2025 to reflect inflationary increases over the last decade.

Purchases up to £10,000 (£20,000 Health) exclusive of VAT, with the exception of consultancy services, will be classified as procurement expenditure but they are not subject to procurement rules. Departments must ensure that these purchases are subject to value for money considerations and Managing Public Money Northern Ireland.

1. PURCHASING ALL GOODS, SERVICES AND WORKS

Table 1 – PCLs goods and non-Construction services

THRESHOLDS (exclusive of VAT)	NUMBER/TYPE OF TENDER REQUIRED	AUTHORISATION LIMITS
Up to £10,000	Provide evidence that 2 prices have been sought, where this is possible**	Staff Officer Equivalent
£10,000 to £50,000	3 written quotations are sought, where this is possible**	Grade 7 Equivalent
£50,000 to UK Thresholds*	Advertise on eTendersNI.	Chief Executive
Above UK Thresholds*	Advertise on eTendersNI and Find a Tender service	The Department

*Please note calculations to determine the UK Procurement Thresholds are inclusive of VAT

**For some specialist supplies or services there may only be one supplier in the market. If this is the case, sufficient justification for not seeking a second price check should be documented

2. CAPITAL PROJECTS

The Chief Executive may authorise capital expenditure on discrete capital projects of up to £150,000. Capital projects over this amount require the approval of the Department and may be subject to quality assurance by the Department of Finance.

Any novel and/or potentially contentious projects, regardless of the amount of expenditure, require the approvals of the Department and DoF.

3. APPROVAL OF INFORMATION TECHNOLOGY PROJECTS

Minor projects are likely to be for very low value, straightforward and low risk proposals, which could include business as usual and repeat expenditure, and for which detailed option analysis would be deemed superfluous to the expenditure

decision.

Where there could be various options to appraise and there is uncertainty in decision-making, considerations for moderate spend may be useful under framework for appraising, developing and planning projects and programmes using the Five Case Model.

For major expenditure, which is primarily an Outline Business Case template, where the project is larger scale or has more complex proposals which carry greater risk (this is likely to include proposals of several million pounds and over, including those above DoF delegated limits). The framework provides structure for these larger cases and avoid disproportionate effort by keeping appraisers focussed on the key requirements of such business cases.

The appraisal of Information Technology (IT) projects should include the staffing and other resource implications. The form of competition should be appropriate to the value and complexity of the project, and in line with the Procurement Control limits. Delegated authority for each IT project is set out in Table 2.

Table 2 Delegation Arrangements for Information Technology Projects, Systems and Equipment

(All costs exclude VAT. The Commission is not VAT registered)

THRESHOLDS	AUTHORISATION
Up to £500	Staff Officer Equivalent
Up to £750,000	Grade 7 Equivalent
Up to £150,000	The Chief Executive
Projects over £150,000	The Department

4. ENGAGEMENT OF CONSULTANTS

Consultancy assignments should be made in line with the conditions set out in the

Department's Delegated Authority Approval Arrangements. Finance Director Letter FD (DFP) 07/12 and Annexes – Guidance on the Use of Professional Services Including Consultants provides advice on the umbrella term "professional services" to cover both consultancy and other categories of professional services and states the importance of contacting CPD/nominated CoPE for advice and information as early as possible in the planning stages, once the department is convinced of the need to engage external professional services.

The Strategic Partner Framework has been awarded and is accessible to DfC business areas and participating Arms-Length Bodies (ALBs) for the provision of professional services. This provides access to consultancy services and staff substitution within six defined strategic work themes. Further advice is available from the Commercial and Contract Management Team (DFC.strategicpartner@communities-ni.gov.uk).

Departmental Economist clearance is required for all external consultancy irrespective of value. The Commission will provide the Department with an annual statement on the status of all consultancies completed and/or started in each financial year. Care should be taken to avoid actual, potential or perceived conflicts of interest when employing consultants.

All individual external consultancy assignments of £10k or more in value must be approved by the relevant Minister therefore a full business case should be prepared. A proportionate business case should be prepared for all assignments below this threshold.

Internal Consultancy using SIB, while it does not require DoF approval, still requires approvals. Where there is Departmental expenditure, it should be appropriately approved. The Principles and Procedures for NICS Engagement with SIB state that the department will require business case cover for what it pays to SIB, usually as part of the overall project business case arrangements.

5. Direct Award Contracts

DAO 06/22 – Direct Award Contracts states that a Direct Award Contract (DAC) is a public contract awarded without a competitive tendering procedure and in which the public contract is placed directly with a selected supplier.

Following the revision of PPN 04/21 – Procurement Control Limits in March 2025, awards for supplies and services under £50,000 to a Single Supplier Without Competition (SSWC) are no longer referred to as DACs so long as there is sufficient justification for not seeking a second price check.

The most effective route to secure Value for Money (VfM) in compliance with the Green Book is always through a competitive procurement process and only in extremely rare cases should there be requirement to award a contract without competition, i.e. as a Direct Award Contract (DAC).

From November 2025, the DfC Accounting Officer delegated approval of DACs of £50,000 and over to under The UK Procurement Threshold to each Group Deputy Secretary (G3). This approval is required for all DfC Business Area DACs and ALB DACs (excluding external consultancy)[4]. Expenditure over the UK Threshold within the Department or its ALBs will still require Departmental Accounting Officer (DfC Permanent Secretary) approval (including all external consultancy expenditure)

In respect of each DAC, a proportionate Business Case must be prepared in line with Better Business Cases NI requirements and obtain any necessary approvals within your ALB, Group / DfC Approvals. All DAC business cases must then be reviewed by economists within DfC and you must obtain written approval. In all cases you must approach your Finance Business Partner to confirm affordability and obtain approval for the DAC.

Where a DAC is proposed it is important to engage at an early stage with CPD as the relevant CoPE[5]. The CPD Direct Award Contract form must be completed and submitted to allow the CoPE to consider the case for the DAC and to provide their advice. In addition, comment is required from the Director of Governance and

[4] Prior approval of the Minister is required when it is intended to award a contract for external consultants without competition and the value is over £10k
[5] Exception NIHE who use their accredited CoPE

Commercial Services.

For a full outline of the DAC process, including necessary approvals, the DfC DAC Guidance must be consulted. For further information, the DfC Commercial Business Unit should be engaged by contacting their mailbox Commercialbusinessunit@communities-ni.gov.uk

6. DISPOSAL OF SURPLUS EQUIPMENT

Disposal must be at current market value by public auction or another public process, unless otherwise agreed with the Department. Prior approval of the Department is required for disposal of surplus equipment with a value in excess of £1,000.

Proceeds from the disposal of surplus equipment must be declared to the Department, which will consult with DoF on the appropriate treatment.

7. LEASE AND RENTAL AGREEMENTS

The Commission should consult the Department prior to entering into any lease and rental agreements.

8. LOSSES AND SPECIAL PAYMENTS

The Chief Executive will have the authority to write off losses and make special payments up to:

- Cash losses – up to £2,000 per case/incident
- Stores/Equipment losses – up to £2,000 per case/incident
- Constructive losses and fruitless payments – up to £2,000 per case.
- Compensation payments:

- Made under legal obligation, e.g., by Court Order – up to £2,000 per case plus reasonable legal expenses

- For damage to personal property of staff – up to £2,000 per case

- Where written legal advice is that the Commission should not fight a court action because it is unlikely that it would win – up to £2,000 per case

- Claims abandoned or waiver of claim – up to £2,000 per case

- Extra contractual payments – up to £500 per case

- Ex gratia payments – up to £2,000 per case (Pensions payments are not covered by this threshold)

- Extra statutory and extra regulatory payments – no delegation, all proposals must be submitted to the Department for approval

The prior approval of the Department must be obtained for amounts above these values. The delegated authority to write-off losses in the categories specified above is subject to an aggregate of £5,000 in any financial year. Where the making of any payment could be considered novel, contentious or repercussive the prior advice of the Department must be obtained.

Where total losses exceed £100k in any financial year, an explanatory note should be included in the Commission's accounts.

Details of all losses and special payments should be recorded in a Losses and Special Payments Register, which will be available to auditors. The Register should be kept up-to-date and should show evidence of the approval by the Chief Executive and the Department, where appropriate.

9. Special Severance Payments and Confidentiality Clauses

Special severance payments will always require DoF approval because they are usually novel, contentious and potentially percussive. Special severance payments are made to employees, contractors and others above normal statutory or contractual requirements when leaving employment in the public service, whether they resign, are dismissed or reach an agreed termination of contract. Special severance payments when staff leave public service employment should be exceptional.

DAO 08/16 provides guidance on the use and approval of confidentiality agreements. Departmental Accounting Officers should approve their use but in cases where their use could be considered to be novel or potentially contentious DoF Supply approval should be sought.

10. Sponsored Body Pay Remits and Voluntary Exit Schemes

The approval process for Sponsored Body pay remits is set out in FD (DoF) 04/25. Annual Pay Remit Technical Guidance sets out the steps for completing an annual Pay Remit and covers the approval process relating to annual pay increases for staff.

ALBs are required to submit annual Pay Remits for all staff groups, which should be reviewed (includes ensuring calculations and information supporting the Pay Remits are accurate and complete etc.) and approved by relevant experts in the ALB before formal submission to the relevant Accounting Officer (AO). This applies even if the staff group follows a nationally determined pay settlement or chooses to follow the NICS pay award.

As with all aspects of public expenditure, responsibility for value for money, affordability and all regularity issues associated with annual Pay Remits sits with the appropriate AO.

Where a Sponsored Body wishes to submit a bid to the Public Sector Transformation Fund in respect of a Voluntary Exit Scheme, the body should complete a business case and submit to the Sponsor Team. The Sponsor Grade 5 should consider and

approve prior to submission of documentation via the relevant Finance Business Partner to the Central Budgeting Team (Section 8.0) who will seek DoF approval.

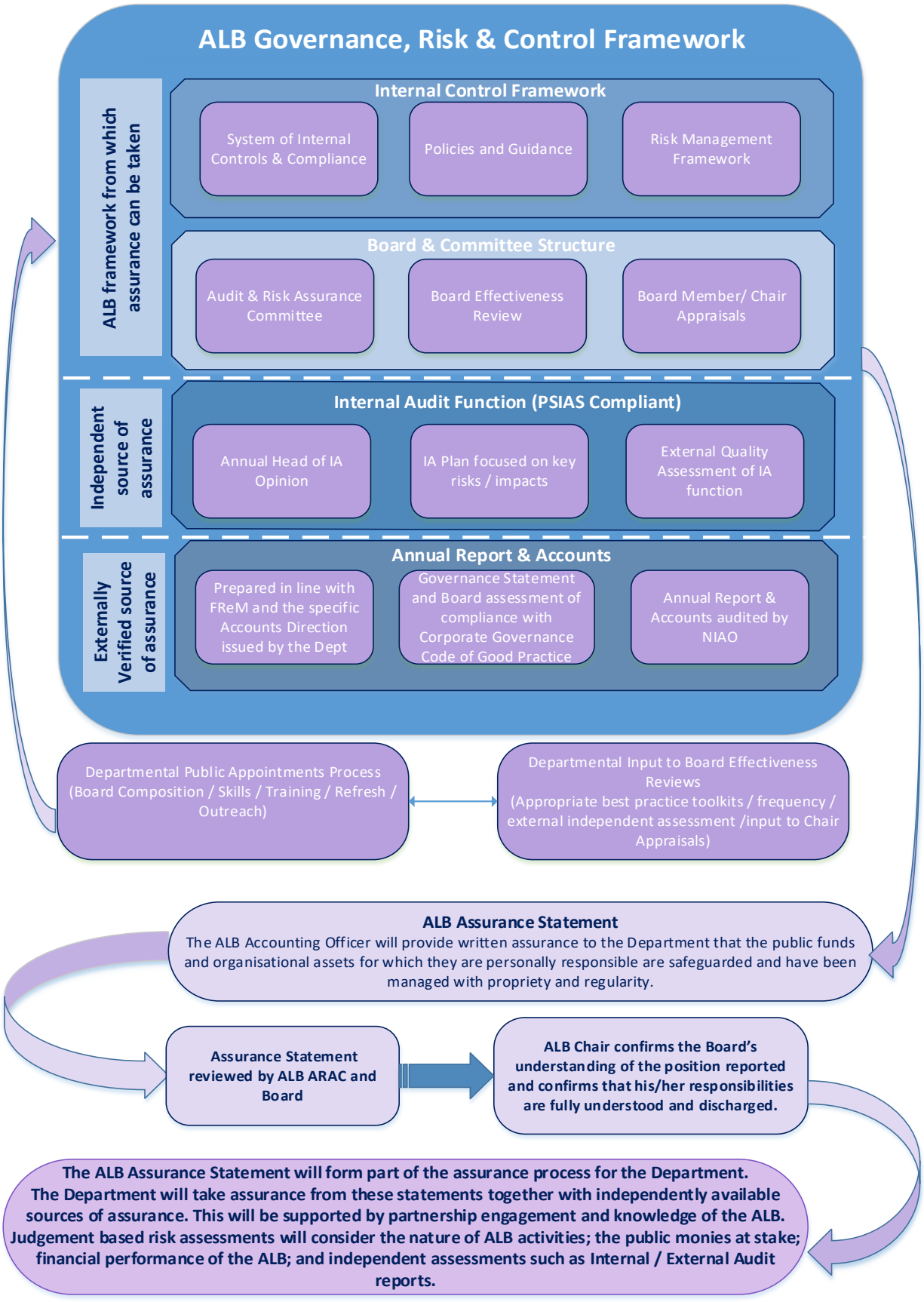
11. Retrospective Approval

Where legislation explicitly requires DoF approval and the expenditure proceeds without it then the expenditure is unlawful. DAO (DoF) 05/25 states that DoF will generally not grant retrospective approval where the relevant expenditure has been committed or works commenced.

12. Post Project Evaluation Requirements

Proportionate Post Project Evaluations (PPEs) are completed in accordance with Better Business Cases NI requirements. PPEs examine the outturn of a project, programme or policy against the original business case objectives. They are designed to ensure that lessons learned are fed back into the decision-making process. This ensures government action is continually refined to reflect what can best achieve objectives and promote the public interest.

Annex 4 – Illustrative System of Assurance



Annex 5 – Concerns/Complaints in respect of Board members

In line with the NI Code of Good Practice and the arrangements in this Partnership Agreement the approach to concerns/complaints raised in respect of the Commission's Board members should be transparent and collaborative. The principle of early and open engagement is important, with the Department made aware of any concerns/complaints as soon as practicable.

While Board Members are Public Appointees/office holders rather than the Commission employees a Commission employee may utilise the Commission's grievance procedure/other HR procedure to raise a complaint against a Board member. The Commission employee raising the grievance should expect this to be handled in line with the Commission's HR procedures.

Concerns/complaints might also be raised through:

- Raising Concerns/Whistleblowing arrangements;
- Complaints processes.
- Directly with the Commission or the Department.

Where a concern/complaint is received within the Commission in respect of an individual Board Member this should be provided to the Commission Chair who should notify the Department at the outset in order that lead responsibility for handling the complaint/concern is clear in advance.

Where a concern/complaint relates to the Commission Chair, the Commission's Vice-Chair should notify the Department at the outset for the Department to determine the approach to handling the complaint/concern.

Differences of view in relation to matters which fall within the Board's responsibilities are a matter for the Board to resolve through consensus-based decision making in the best interests of the Commission.

Exceptionally a concern/complaint may be raised by a Board Member about a fellow Board Member or a senior member of Commission staff. The Commission Chair should notify the Department at the outset to ensure that arrangements for handling the concern/complaint are clear. The Department may determine that it should make arrangements to deal with the concern/complaint. This will be agreed at the outset.

While these procedures apply to complaints regarding members of the Board the Department has no role under charities legislation in relation to Commission staff. As the Department is not the employer of the Commission's staff there is no employer relationship to provide a context for any investigations into activities or actions of the staff of the Commission. Complaints of this nature will be handled by the Commission in line with their published complaints policy. The Department may, however, in exceptional circumstances or where it appears to the Department that a pattern is emerging, seek assurance from the Chair that complaints about staff are being handled with due care and diligence.

Arrangements for concerns/complaints in respect of Board members should be reflected in all relevant procedures, including Standing Orders and Board Operating Frameworks.

Annex 6 - Applicable Guidance

The following guidance is applicable to the Commission.

Guidance issued by the Department of Finance

- Managing Public Money NI
- Public Bodies – A Guide for NI Departments
- Corporate Governance in central government departments – code of good practice
- DoF Risk Management Framework
- HMT Orange Book
- The Audit and Risk Assurance Committee Handbook
- Public Sector Internal Audit Standards
- Accounting Officer Handbook – HMT Regularity, Propriety and Value for Money
- The NI Guide to Expenditure Appraisal and Evaluation
- Dear Accounting Officer Letters
- Dear Finance Director Letters
- Dear Consolidation Officer and Dear Consolidation Manager Letters
- The Consolidation Officer Letter of Appointment
- Government Financial Reporting Manual (FReM)
- Guidance for preparation and publication of annual report and accounts
- Procurement Guidance

Other Guidance and Best Practice

- Specific guidance issued by the Department
- EU Delegations
- Recommendations made by the NI Audit Office/NI Assembly Public Accounts Committee
- NIAO Good Practice Guides
- Guidance issued by the Executive's Asset Management Unit
- NI Public Services Ombudsman guidance

Annex 7 – Role of the Minister

Role of the Minister

The Chair is responsible to the Minister. Communication between the Board and the Minister should normally be through the Chair.

The Departmental Accounting Officer is responsible for advising the relevant Minister on a number of issues including the Commission objectives and targets, budgets and performance.

In addition to being answerable to the Assembly as laid out in paragraph 2.4, the Minister is also responsible for:

- approving the ALB's Business Plan;
- setting the ALB's budget; and
- appointment of Commissioners. The Minister may also be involved in considering the size and composition of the Commission Board – see para 16.3.

The Minister's role does not constitute involvement in Commission's decisions taken in performance of its statutory functions. Where, however, a pattern emerges as evidenced by the Charity Tribunal that the Commission decisions are disproportionate the Minister may meet with the Chair to discuss any concerns and seek whatever assurance he/she feels is appropriate.

Annex 8 – Partnerships between Departments and Arm's Length Bodies: NI Code of Good Practice

NI Code of Good Practice