



Minutes of Board Meeting No. 94 held on Monday 15 November 2021 at 9:30am by video conference.

Present:

Nicole Lappin, Chief Charity Commissioner (Chair)
Gerard McCurdy, Deputy Chief Charity Commissioner
Kieran Donaghy, Charity Commissioner
Séamus Magee, Charity Commissioner
Hugh McKeag, Charity Commissioner
Carmel Mullan, Charity Commissioner
Paddy Kelly, Legal Commissioner

In Attendance:

Frances McCandless, CEx
Aubrey McCrory, Head of Corporate Services
Punam McGookin, Head of Charity Services
Rossa Keown, Head of Compliance & Enquiries
Clare McElherron, Minutes
Maria Curry, Boardroom Apprentice

Apologies: None

The Chair welcomed everyone to the meeting.

1. Minutes of Board Meeting 93, 18 October 2021

Following discussion the minutes of the Board Meeting held 18 October 2021 were agreed, subject to minor amendment, as a true and correct record, as proposed by Gerard McCurdy and seconded by Hugh McKeag

AP1: Minutes of Board Meeting No 93, 18 October 2021 to be amended and published on CCNI website.

2. Conflicts of Interest

The Chair advised that one point in item 5d impacted on the Chief Commissioner.

3. Chair's Business, Correspondence and Meetings

It was noted that the Chair had written to Sponsor Department regarding the Ministerial review and was expecting a response imminently. The Chair confirmed the review by Independent Counsel summary report had been published and that the report will be taken very seriously with issues raised being addressed through the resulting action plan. Commissioners were made aware of correspondence recently received from a firm of solicitors. The Chair

also updated Commissioners on a recent meeting involving sponsor department and legal advisors on a proposed joint response to correspondence discussed at the previous Board meeting.

4. Chief Executive's Report

The Chief Executive gave an update on an ongoing mediation process that is nearing completion, steps taken following a recent High Court hearing, Charity Tribunal correspondence and a Human Resource related issue. The Board noted the Department for Communities (DfC) Permanent Secretary is leaving at the end of March 2022 and it is unlikely that the draft Partnership Agreement will be approved before then by DfC.

5. Policies and Processes

a. 1st Draft Business Plan 2022-23

The Head of Corporate Services introduced the initial draft plan and highlighted several sections regarding risk and changes to strategic aim 3, which related it to responding to the Ministerial Review and implementing legislative change. Following discussion of the lack of certainty regarding the timing of those elements, which were anticipated to be a central part of the next plan, Commissioners were content for staff take forward a further high level draft for consideration at the December Board meeting. It was also agreed that a new Corporate Social Responsibility policy will be developed as part of the next strategic planning process in the second half of 2022.

AP2: Staff to take forward a further drafting of the business plan for consideration at the December Board meeting.

AP3: Corporate Social Responsibility policy to be developed as part of the next strategic planning process.

b. Policy Re Payments to Connected Persons

Commissioners noted the staff review of the legal underpinnings of the current policy. Following discussion of historic case numbers and the current policy it was agreed to continue with the approach in place, and that staff will give further consideration at a later stage. However, should a complex case arise the further consideration should be brought forward.

c. Amended Standing Orders

The Chief Executive outlined amendments to the standing orders following changes to the Schedule 1 committee operation at the last Board meeting. The standing orders were agreed, subject to further minor amendment, as proposed by Séamus Magee and seconded by Carmel Mullan.

AP4: Amended standing Orders to be published.

d. Draft Action Plan Re Review by Independent Counsel

The Head of Compliance & Enquiries introduced the draft action plan and the Chair thanked staff for preparing the comprehensive document. The Board considered the actions related to the recommendations and their timescales. Following a number of queries it was agreed to approach Internal Audit to explore future assurance on action plan implementation and to share the action plan with DfC in advance of its publication, as proposed by Hugh McKeag and seconded by Kieran Donaghy

AP5: Approach Internal Audit to explore assurances on action plan implementation.

AP6: Action plan to be finalised and shared with DfC prior to publication

e. Governance Assurances to DfC

The Chair outlined the process behind drafting the current assurances which had been sought by DfC and stressed that she would be giving assurances as Chief Commissioner on behalf of the Board. Following discussion, the assurances were adopted as proposed by Kieran Donaghy and seconded by Séamus Magee.

AP7- Chair to forward governance assurances to DfC on behalf of the Board.

f. Legal Update

The update was noted

g. Issues from Stakeholder forum

The Head of Charity Services updated the Board on the forum's second meeting which occurred at the beginning of November. Issues raised were outlined. It was noted that if the Deputy Chief Commissioner was unable to attend another Commissioner would be asked to.

6. Reports from sub-committees

HR Committee

Gerard McCurdy, Chair of the HR Committee, gave an update on the most recent meeting on 13 October 2021 which discussed development of the People strategy, HR policies, the HR dash board and a demo of HR systems.

1. Minutes 25 August 2021

The minutes of the HR Meeting held 25 August 2021 were agreed as a true and correct record, as proposed by Hugh McKeag and seconded by Gerard McCurdy.

AP8- Minutes of HR Committee meeting 25 August 2021 to be published.

- a. **HR Policy development Staff Handbook Section**
 - 1. **Leave & Attendance – Ordinary Parental Leave**
 - 2. **Employee Relations – Use of Electronic Communications**

Commissioners noted the briefing on next steps and both policies were agreed as proposed by Carmel Mullan and seconded by Gerard McCurdy.

AP9 – Implementation of changes to Ordinary Parental Leave policy to be negotiated

Schedule 1 Committee minutes

- a. **17 September 2021** - Noted
- b. **15 October 2021** - Noted

Update from Legal Advisory Group

The Board was updated on a range of litigation in hand and the paper relating to an ongoing mediation process was noted. Commissioners were advised a further paper will soon come to a Board or Schedule 1 meeting for decision making, and Commissioners asked for a communications plan to be developed linked to outcomes.

AP10 – Communications plan to be developed linked to mediation outcome.

7. Charity Services Report

The Head of Charity Services highlighted progress in the registration pilot and process for securing additional staff resources. A number of queries regarding the report were addressed.

8. Compliance and Enquiries report

The Head of Compliance & Enquiries introduced their report and outlined ongoing compliance and enquiries work. Following discussion of a current concern it was agreed that a paper would be brought to the December meeting on a strategic approach to regulating in this case.

AP11 – paper to be developed on strategic approach to a current concern.

9. Corporate Services Report

The update was noted. Commissioners were advised that since the update was prepared, the Commissioner additional days business case was approved by DfC and bids for January monitoring round had been submitted.

10. Issues for next meeting 20 December 2021

Update on Ministerial review (if published), 2nd Draft business plan, potential Memorandum of Understanding with Charities Regulatory Authority.

11. Agreement to share Board papers with DfC

Proposed by Gerard McCurdy and seconded by Kieran Donaghy.

AP12 – Board papers to be shared with DfC.

12.A.O.B.

None

Meeting ended at 12.30pm

Register of Outstanding Action Points

92(2)	27/09/21	3	Chair to write to sponsor department to clarify next steps pre-publication of report and fact checking opportunities in review of Charity regulation.	Chair	Completed
92(4)	27/09/21	5a	Additional Board meeting agenda item to include legal advice on compensation claim.	CEx/ HCorpS	Completed
92(6)	27/09/21	5b	Exiting MOUs to be reviewed.	HChS	Underway
92(7)	27/09/21	5d	Executive summary in redacted form to be shared with Ministerial Review panel.	CEx	Completed
92(8)	27/09/21	5d	Chair to liaise with Counsel re provision of a high level summary of Section 7 of their report for sharing with others.	Chair	Completed
92(9)	27/09/21	5d	CEx to liaise with sponsor department about plans to publish aspects of the report and develop of a communications plan for Board agreement.	CEx	Completed
92(10)	27/09/21	5g	Future stakeholder forum meetings to be scheduled in advance of Board meetings.	HChS	Completed
92(11)	27/09/21	6a	Minutes of HR Committee 17 February 2021 to be published.	HCorpS	Completed
92(12)	27/09/21	6b	Revised terms of reference to be published.	HCorpS	Completed

92(13)	27/09/21	6c	HR policies on Child & Vulnerable Adults Protection, Inefficiency Sickness and Inefficiency Performance to be implemented.	HCorpS	Underway
92(14)	27/09/21	6d	Office recovery plan to be implemented.	HCorpS	Underway
92(15)	27/09/21	6e	Minutes of A&RA Committee 11 May 2021 to be published.	HCorpS	Completed
92(16)	27/09/21	6g	Revised Business Continuity Plan to be circulated to Commissioners.	HCorpS	Completed
92(17)	27/09/21	6h	Statement to be amended and submitted to sponsor department with Chair's electronic signature.	CEx	Completed
92(18)	27/09/21	7	Charity Tribunal to be informed of change to Commission's Decision Review Process and timeframes.	HChS	Underway
92(19)	27/09/21	7	Revised Decision Review process to be implemented and information to be published on the Commission's website.	HChS	Underway
92(20)	27/09/21	8	2021/22 Business Plan to be amended and changes submitted to sponsor department.	HCE/ HCorpS	Completed
92(21)	27/09/21	9	Letter of apology to be issued as per NIPSO advice.	Chair/ HCorpS	Completed
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
89(3)	22/03/21	4	A session on the transformation project and organisational risks to be organised and independent	HCorpS	Underway

			member of A&RAC Committee to be invited to attend.		
89(12)	22/03/21	6l	People strategy action plan to be updated and brought to the June Board meeting.	HCorpS	Completed
89(14)	22/03/21	7	Version 2.0 of the Casework Manual to be implemented.	HChS	Underway
88(3)	25/01/2021	4	Demo of risk assessment framework to be arranged for Commissioners.	HCorpS	Underway
86(2)	14/12/2020	3	Commissioners to be booked to attend the 2021 Leadership and Governance conference.	HCorpS	Underway
86(18)	14/12/2020	9	Paper to February HR Committee on remote working.	HCorpS	Completed
85(3)	09/11/20	3	Commissioners are to join in on staff welfare events.	HCorpS	Underway
85(5)	09/11/20	4b	New enquiries 'concerns about charities' on line form to be implemented	HCE	Underway
84(10)	28/09/2020	8d	Chief Commissioner to nominate a Board member to undertake the oversight role.	Chief Comm	Underway
83 (6)	22/06/2020	7	Séamus Magee 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