

Attending formal meetings

Guidance for charities attending formal meetings with the Commission



The Charity Commission for Northern Ireland

The Charity Commission for Northern Ireland is the regulator of charities in Northern Ireland, a non-departmental public body sponsored by the Department for Communities.

Our vision

To deliver in partnership with other key stakeholders in the charitable sector “a dynamic and well governed charities sector in which the public has confidence, underpinned by the Commission’s effective delivery of its regulatory role.”

Further information about our aims and activities is available on our website www.charitycommissionni.org.uk

Equality

The Charity Commission for Northern Ireland is committed to equality and diversity in all that we do.

Accessibility

The Commission’s website has been designed to **W3C standards** of accessibility and includes a number of features to enhance accessibility for a wide range of individuals. These include colour contrast and resize options. Materials may be made available in alternative formats on request. If you have any accessibility requirements please contact us.

Online or in print

If you are viewing this document online, you will be able to navigate your way around by clicking on links either within the contents page or text.

We have produced a glossary that provides further information, definitions and descriptions of some key terms. The words in **bold green type** indicate words that are found in the glossary towards the end of this document. If you are reading the document online you can click on the word and it will link you to the definition in the glossary. The words in *blue italics* indicate other guidance or databases.

Please check our website www.charitycommissionni.org.uk to make sure you’re using the latest versions of forms and guidance.

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Section 1: Overview

The Charity Commission for Northern Ireland (the Commission) is aware that in certain circumstances **charity trustees**, officers, agents or employees may be required to attend formal face-to-face meetings with the Commission, during the course of its work. Throughout this guidance charity trustees/officers/agents/employees are collectively referred to as 'stakeholders'.

The purpose of this policy is to provide clear guidance in respect of formal meetings between the Commission and its stakeholders, and where applicable, **third parties** accompanying them.

1.1 What does this guidance cover?

The Commission may request a stakeholder to attend a formal meeting with the Commission in relation to, amongst other things:

- an ongoing concern or inquiry
- an application for registration
- a casework application, or
- the provision of self-regulatory guidance.

The following policy outlines the responsibilities of the Commission, its stakeholders, and others in attendance. It covers the arrangement and conduct of meetings, who can attend and what role they will play.

This policy is limited to formal meetings between the Commission and its stakeholders. Normally, the purpose of these meetings is to obtain or impart critical information in furtherance of the Commission's statutory remit.

Occasionally, formal meetings may take place that require additional procedures or conditions to be met by the Commission and its stakeholders. If applicable, the Commission will inform stakeholders of these in advance.

1.2 What does this guidance not cover?

General meetings held by the Commission, for example, training events, workshops, meetings with voluntary umbrella bodies, other statutory agencies and/or individuals for the purposes of collaborative working, are

governed by the Commission's [Customer Charter](#) and other [service standard policies](#).

Key terms used in this guidance

The following are some key terms that it will be useful to understand when reading this guidance. They, and other terms, are listed in a glossary at Appendix 1.

Third party:

A third party is a person who is not directly involved in a case but who may, with the consent of the stakeholder, attend a meeting with the Commission to provide support to the stakeholder.

Section 2: Formal meetings with the Commission

The Commission aims to provide the highest possible standards and quality of service to all our stakeholders. Our *Customer Charter*, sets out the level of service customers and stakeholders can expect to receive when dealing with staff at all times, including formal meetings with the Commission.

The Commission will:

- welcome customers and stakeholders and make sure they are comfortable
- be punctual, polite and professional, and
- take account of identified communication and accessibility needs.

2.1 Who can attend and in what capacity?

Third parties who may accompany stakeholders to formal meetings with the Commission include 'professional advisors', such as a solicitor or accountant, a friend or any third party that the trustees consider can support them, and who is familiar with charity work.

Charity trustees cannot normally abdicate their responsibilities as trustees to any third parties in attendance. Where an accompanying solicitor or accountant is better placed to provide **additional** legal or financial clarification with regards to a matter raised by the Commission, they may do so at the request of their client.

Some people attending formal meetings find it useful to have someone there with them, even though the accompanying party may play no other part in the process. The role of third parties accompanying a stakeholder to a meeting is primarily to provide general support or advice. They may also assist the stakeholder by taking their own notes of the meeting, however, making an audio (sound) recording of the meeting is not permitted. Third parties must not seek to answer questions directed specifically at a stakeholder, or seek to prevent the Commission from speaking or conducting the meeting as necessary.

In formal meetings with the Commission the number of third parties who can accompany a stakeholder to the meeting is restricted to one. Costs associated with third party attendance are the responsibility of the

individual or the charity, where applicable. Trustees are reminded that any decision to expend charity resources should be taken in the best interests of the charity.

Consideration will be given to the needs of individuals with specific communication or access needs in line with the Commission's published Equality Scheme and Action Plan.

2.2 Notice of third party attendance

Stakeholders wishing to be accompanied by a third party including a qualified professional, such as the charity's appointed solicitor or accountant, must make arrangements to ensure the Commission is notified of their intention to do so at least five working days before the meeting is due to take place. This can be done via email, and the notification must come from an officer of the charity.

2.3 What will the Commission consider?

The Commission will assess its own legal obligations and the accessibility needs of the stakeholder and third parties.

The Commission will consider all available information in order to reach a decision that is fair, proportionate and consistent. For example where a meeting may involve sensitive issues, consideration will be given to the following factors:

- Whether the benefits of allowing a third party to attend outweigh any risks.
- Where the purpose of the meeting is to investigate possible mismanagement or misconduct and sensitive information about the charity is likely to be discussed, and whether the board of trustees has consented to the third party attending on this basis.

We will communicate our decision in writing two working days prior to the meeting and where we have decided not to allow third parties to attend the meeting we will set out the reasons why in our letter.

Appendix 1: Glossary

Term	Definition
<p>Charities Act (Northern Ireland) 2008</p>	<p>The Charities Act (Northern Ireland) 2008 is the main piece of legislation establishing the Charity Commission for Northern Ireland and setting out its functions and powers.</p> <p>References to 'the Charities Act' are to the Charities Act (Northern Ireland) 2008. The full content of the Charities Act can be found at www.legislation.gov.uk</p> <p>Not all of the sections of the Charities Act are in force yet. Details of the sections that are in force are available on the Commission's website www.charitycommissionni.org.uk</p>
<p>Charity trustees</p>	<p>These are the people who are legally responsible for the control and management of the administration of a charity. In the charity's governing document they may be called trustees, managing trustees, committee members, governors or directors or they may be referred to by some other title. Some people are disqualified by law from acting as charity trustees. These disqualifications are set out in the Charities Act and broadly include but are not limited to anyone who:</p> <ul style="list-style-type: none"> • has been convicted of an offence involving deception or dishonesty, unless the conviction is a spent conviction under the Rehabilitation of Offenders (NI) Order 1978 • is an undischarged bankrupt or has made an arrangement with creditors • has previously been removed as a trustee by the Commission or by the Courts • is subject to disqualification under company legislation.
<p>Third Party</p>	<p>A third party is a person who is not directly involved in a case but who may, with the consent of the stakeholder, attend a meeting with the Commission to provide support to the stakeholder.</p>
<p>W3C Standards</p>	<p>W3C accessibility standards consist of a set of guidelines for making content accessible especially to those web users who have a disability. This standard is recognised internationally.</p>

Useful links and guidance

CCNI EG024 Running your charity

ARR01. Charity reporting and accounting: guidance summary

ARR02. Charity reporting and accounting: the essentials

ARR03. Receipts and Payments accounts

ARR04. Accruals accounts

ARR05. How to complete the annual monitoring return

ARR06. Charity reporting: Interim arrangements and the annual monitoring return

ARR07. Independent examination of charity accounts: examiner's guide

ARR08. The trustees' annual report and public benefit reporting

PBR1 Public benefit requirement guidance

CCNI EG046 Making payments to trustees

CCNI EG043 Equality guidance for charities

Receipts and payments toolkit

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

Further guidance is available on the Commission's website at www.charitycommissionni.org.uk

Department for Business Innovation & Skills - publishes a number of helpful leaflets explaining the requirements of company law.

HM Treasury - HM Treasury guidance on the Proceeds of Crime Act 2002 and associated Money Laundering Regulations

Website of the developing governance group: www.diycommitteeguide.org

Useful contacts

We would encourage charity trustees to make use of the wide range of organisations that can help them run their charity as effectively as possible.

Charity Commission
for England and
Wales (CCEW)

PO Box 211
Bootle
L20 7VX

Telephone: 0300 066 9197

Website:

www.gov.uk/government/organisations/charity-commission

Companies House

Companies House Northern Ireland
Second Floor, The Linenhall
32 - 38 Linenhall Street
Belfast, BT2 8BG

Telephone: 0303 1234 500

Website:

www.gov.uk/government/organisations/companies-house

Department for
Communities

Lighthouse Building
1 Cromac Place
Gasworks Business Park
Ormeau Road
Belfast
BT7 2JB

Telephone: 028 9082 9242

Website: www.communities-ni.gov.uk

Northern Ireland
Council for Voluntary
Action (NICVA)

61 Duncairn Gardens
Belfast
BT15 2GB

Telephone: 028 9087 7777

Website: www.nicva.org

Office of the Scottish
Charity Regulator
(OSCR)

OSCR
2nd Floor
Quadrant House
Dundee

Telephone: 01382 220446

Website: www.oscr.org.uk

The Charity Tribunal Tribunals Hearing Centre
2nd Floor, Royal Courts of Justice
Chichester Street
Belfast
BT1 3JF

Telephone: 0300 200 7812
Website: www.courtsni.gov.uk/en-GB/Tribunals/CharityTribunal

The Law Society of
Northern Ireland 96 Victoria Street
Belfast
BT1 3GN

Telephone: 028 9023 1614
Website: www.lawsoc-ni.org.uk

If you are dissatisfied with our service

The Commission is committed to delivering a quality service at all times. However, we know that sometimes things can go wrong. If you are dissatisfied with the service you have received, we would like to hear from you, and have a procedure that you can use. You will find further information on these processes in our guidance, *Making a complaint about our services*, which is on our website www.charitycommissionni.org.uk

Freedom of Information and data protection

Data Protection

The Charity Commission for Northern Ireland is responsible for registering, regulating and reporting on the charity sector in Northern Ireland. As the charity regulator, we are lawfully required to collect and process personal data in order to achieve our statutory objectives, functions and general duties.

Any personal data you give us will be held securely and in accordance with data protection rules and principles. Your personal details will be treated as private and confidential, and will only be retained for as long as is necessary in line with our [retention policy](#). The information will be safeguarded and will not be disclosed to anyone not connected to the Commission unless:

- you have agreed to its release,
- the Commission is legally bound to disclose the information
- the Commission regards disclosure as necessary in order to properly carry out its statutory functions

The Commission may also disclose information or personal data to other relevant public authorities where it is lawful to do so and where, for the purposes of national security, law enforcement, or other issues of overriding public interest, such disclosure is necessary.

We will ensure that any disclosure made for this purpose is lawful, fair, considers your right to privacy and is made only to serve the Commission's statutory objectives as a regulator.

When you provide the Commission with information used to carry out its functions, you are obliged to comply with section 25 of the *Charities Act (Northern Ireland) 2008* which means that it is an offence to provide information which is false or misleading. In respect of your personal data we expect any data which you give us to be truthful, accurate and up-to-date.

For further information, you may wish to read the Commission's [Privacy notice](#) which details what to expect when the Commission collects and processes personal information, including your rights in relation to that processing if we hold your information.

Freedom of Information

The Freedom of Information Act 2000 gives members of the public the right to know about and request information that we hold. This includes information received from third parties. If information is requested under the Freedom of Information Act we will release it, unless there are relevant exemptions. We may choose to consult with you first. If you think that information you are providing may be exempt from release if requested, please let us know.

Further information on our activities is available from:

**Charity Commission for
Northern Ireland
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Lurgan
Craigavon
BT66 6NQ**

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