

Minutes of Board Meeting No. 97 held on Monday 21 March 2022 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
Alan Hunter, Charity Commissioner
Patricia Kelly, Legal Commissioner
Hugh McKeag, Charity Commissioner

In Attendance:

Frances McCandless, CEX
Aubrey McCrory, Head of Corporate Services
Punam McGookin, Head of Charity Services
Rossa Keown, Head of Compliance & Enquiries
Ciara McCann, Minutes
Maria Curry, Boardroom Apprentice
Colleen Gallagher, Legal Advisor (agenda item 5c)

Apologies: None

The Chair welcomed everyone to the meeting.

1. Minutes of Board Meeting 96, 24 January 2022

Following discussion the minutes of the Board Meeting held on 24 January 2022 were agreed as a true and correct record, as proposed by Gerry McCurdy and seconded by Kieran Donaghy.

AP1: Minutes of Board Meeting No 96, 24 January 2022 to be published on CCNI website.

2. Conflicts of Interest

Nothing recorded. The Chair reminded Commissioners to raise any conflict of interests.

3. Chair's Business, Correspondence and Meetings

The Chair welcomed Alan Hunter to his first Board meeting and thanked Kieran Donaghy for agreeing to take on the role of Champion for Concerns about the Commission. Commissioners noted progress made to secure external complaints assistance and that a planned meeting between the Chair and senior departmental officials had been cancelled, with steps to rearrange underway. The Chair thanked all who had attended the workshop with sponsor team in February to discuss recommendations arising from the Independent Review report and priorities for going forward.

AP2: CEX to brief Kieran Donaghy on the role of Champion

4. Chief Executive's Report

The Chief Executive introduced the report and addressed a number of queries. The impact of election purdah on the Ministerial review was noted.

5. Policies and Processes

a. High Level Business Plan

The Head of Corporate Services introduced the paper which reflected the outworking of the Independent Ministerial Review report workshop in February and further management discussion of priorities and assumptions for 2022/23. Commissioners discussed the risks of prioritising registration over all other types of casework and recognised that resourcing might mean further in-year prioritisations. In the absence of an Executive, it was accepted that only an indicative budget position would be known at the start of April. Following discussion, the priorities in the paper were accepted and it was agreed a draft 2022/23 business plan with a range of outputs dependent on resources would be developed for the May Board meeting as proposed by Hugh McKeag and seconded by Patricia Kelly.

AP3: 2022/23 Business plan to be developed for May Board meeting.

b. MOU with Charities Regulatory Authority

Following discussion the Board adopted the Memorandum of Understanding (MOU) and agreed the CEX could sign off the MOU and pass it to the Charities Regulatory Authority (CRA) for their sign off mechanism, as proposed by Gerard McCurdy and seconded by Séamus Magee.

AP4: CEX to sign off the MOU and pass to the CRA.

c. Legal advice re compensation

The Board reaffirmed their view that they are seeking to bring claims to a swift resolution in line with the direction set out in the legal advice paper. Following discussion it was agreed a revised business case would be submitted to sponsor department outlining why this course of action is the best value for money as proposed by Hugh McKeag and seconded by Gerard McCurdy.

AP5: Revised business case for settlement of claims in line with legal advice to be submitted to sponsor department for approval.

Collen Gallagher joined the meeting at 10:40am

d. Amendment to Statutory Inquiry report on Victoria Housing Estates

Commissioners discussed the paper and legal advice was provided in response to a range of queries. It was agreed a footnote would be added to the Board paper for clarification. It was noted a further minor amendment to the inquiry report would be circulated for agreement by the Board by correspondence.

AP6: Further minor amendment to the inquiry report to be circulated for agreement by the Board by correspondence.

Colleen Gallagher left the meeting at 11:10am

e. Assurance Statement Q3&4

Following review, the Board agreed the assurance statement, subject to minor amendment and the Chair agreed for her signature to be added before submission to the department, as proposed by Gerard McCurdy and seconded by Kieran Donaghy.

AP7: Signed assurance statement to be submitted to sponsor department

f. Scheme of delegation proposals

The Board noted the draft proposals at this time and that a scheme will be consulted on when proposals are approved by the Minister.

g. Report from Board Self-Assessment

The Chief Executive briefed the board on the self-assessment summary report and noted that all areas had scored highly. It was agreed to refer future Board training to the HR committee and to share with staff the very positive responses regarding staff support for, and interaction with, Commissioners.

AP8: Future Board training to be referred to HR Committee agenda.

AP9: Relevant Commissioner responses to be shared with staff.

h. Policy position on releasing decision makers' names under FOI

The Head of Charity Services introduced the paper and it was confirmed that Commissioners would be made aware of any assessment relevant to them, but that a special policy was not required on this issue as normal FOI processes must be followed.

i. MSFM compliance

The report outlining compliance was noted.

6. Reports from sub-committees

A&RA Committee

a) Minutes of meeting 18 November 2021

The minutes of the A&RA Committee held on 18 November 2021 were approved for publication as proposed by Gerard McCurdy and seconded by Hugh McKeag.

AP10: Minutes of meeting 18 November 2021 to be published on website.

b) Corporate Risk register

The Board discussed and agreed to reduce risks 1 and 6, and to keep a watching brief on risk 3 in light of consideration of related issues as part of Internal Audit's second assignment, as proposed by Alan Hunter and seconded by Hugh McKeag.

Patricia Kelly left meeting at 12:00pm

c) Review of committee's terms of reference

The committee chair introduced the review and the two minor amendments identified were agreed, as proposed by Alan Hunter and seconded by Gerard McCurdy.

AP11: Revised A&RA ctte Terms of Ref to be published on website.

d) NIAO Audit Strategy

The strategy was noted.

e) Internal audit assignment one report

The Board noted the satisfactory assessment and that there were no priority one recommendations.

HR Committee

f) Minutes of meeting 1 December 2021

The minutes of the HR Committee held on 1 December 2021 were approved for publication as proposed by Hugh McKeag and seconded by Kieran Donaghy. In terms of actions arising, it was decided going forward that the HR Committee chair would suggest to the Chief Commissioner any strategic HR issues for inclusion in the Board agenda twice a year.

AP12: Minutes of meeting 1 December 2021 to be published on website.

AP13: HR Committee chair to suggest to the Chief Commissioner any strategic HR issues for inclusion in the Board agenda twice a year.

g) Staff Code of conduct

The HR committee chair outlined the proposed updates, which were agreed as proposed by Nicole Lappin and seconded by Séamus Magee.

AP14: Staff to be briefed on updates to the Staff code of Conduct.

f) Referrals and interventions

The HR committee chair outlined the proposed approach to reasonable adjustments based on engagement with line management and this was agreed, as proposed by Alan Hunter and seconded by Séamus Magee.

AP15: Staff to be briefed on referrals and interventions policy.

Schedule 1 Decisions

g) Commissioner registration decisions January 2022

Noted.

h) Commissioner registration decisions February 2022

Noted.

i) Note of Schedule 1 Committee - 21 January 2022

Noted.

j) Note of Schedule 1 Committee - 18 February 2022

Noted.

7. Charity Services Report

The Head of Charity Services introduced her report and advised that the registration pilot project target numbers had been achieved. The Board welcomed the progress made and thanked staff for all their efforts. Following discussion, the Board confirmed that staff are able to administer non-statutory consents when requested by a charity under its governing document as this does not fall under the Charities Act (Northern Ireland) 2008, and is analogous to other administrative actions delegated to staff which fall outside the Act.

8. Compliance and Enquiries Report

The Head of Compliance and Enquiries introduced their report. It was noted Commissioners had agreed to close the statutory inquiry into Woodvale and Shankill Housing Association and that a statutory inquiry report will be published in due course. Following discussion of the impact of the Charities Act (Northern Ireland) 2022 on charity annual reporting, it was agreed to seek sponsor department's views on marking the 'in default status' on the charity register going forward.

AP16: Sponsor department's views to be sought on 'in default status' on the charity register.

9. Corporate Service Report

The Head of Corporate Services introduced their report including business plan progress, risks to year end spend which could see a 1.4% underspend and planned communications activities to make all Trustees aware of changes from the Charities Act (Northern Ireland) 2022. Following a query the Deputy Chief Commissioner, staff briefed the Board on the recent Stakeholder Forum. This meeting of the Forum discussed the introduction of new risk-based on-line forms and positive feedback was noted. It was agreed to include on the Board agenda an update following each forum meeting.

AP17: Board agenda to include update following each stakeholder forum meeting.

10. Issues for next meeting 16 May 2022

Draft 2022/23 business plan, draft annual report text, draft 2022/23 communications plan, issues from A&RA – draft accounts, update on action plan arising from Independent Counsel's Review, Safeguarding policy, Section 54 high level guidance and Stakeholder forum update were noted as likely issues for the next meeting.

11. Agreement to share Board papers with DfC

Proposed by Séamus Magee and seconded by Hugh McKeag.

12. AOB

The Board noted, given the Commission's current Complaint Handling policy is under review, that expert advice has recommended use of an independent external investigator to support internal processes as proposed by Gerard McCurdy and seconded by Alan Hunter.

Meeting ended at 12.50 pm

Register of Outstanding Action Points

Board Meeting and Action Point Number	Date Raised	Agenda Item	Action	Owners	Status
97 (1)	21/03/22	1	Minutes of Board Meeting No 96, 20 December 2021 to be published on CCNI website.	HCorpS	Complete
97 (2)	21/03/22	3	CEX to brief Kieran Donaghy on the role of Champion	CEX	Complete
97 (3)	21/03/22	5a	2022/23 Business plan to be developed for May Board meeting.	HCorpS	Complete
97 (4)	21/03/22	5b	CEX to sign off the MOU and pass to the CRA.	HCorpS	Complete
97 (5)	21/03/22	5c	Revised business case for settlement of claims in line with legal advice to be submitted to sponsor department for approval.	HCorpS	Complete
97 (6)	21/03/22	5d	Further minor amendment to the inquiry report to be circulated for agreement by the Board by correspondence.	CEX	Complete
97 (7)	21/03/22	5e	Signed assurance statement to be submitted to sponsor department	CEX	Complete
97 (8)	21/03/22	5g	Future Board training to be referred to HR Committee agenda.	CEX	Underway
97 (9)	21/03/22	5g	Relevant Commissioner responses to be shared with staff.	CEX	Complete
97 (10)	21/03/22	6a	Minutes of meeting 18 November 2021 to be published on website.	HCorpS	Complete
97 (11)	21/03/22	6d	Revised A&RA ctte Terms of Ref to be published on website.	HCorpS	Complete
97 (12)	21/03/22	6g	Minutes of meeting 1 December 2021 to be published on website.	HCorpS	Complete

97 (13)	21/03/22	6g	HR Committee chair to suggest to the Chief Commissioner strategic HR issues for inclusion in the Board agenda twice a year.	HR Chair	Underway
97 (14)	21/03/22	6h	Staff to be briefed on updates to the Staff code of Conduct.	HCorpS	Complete
97 (15)	21/03/22	6f	Staff to be briefed on referrals and interventions approach.	HCorpS	Complete
97 (16)	21/03/22	8	Sponsor department's views to be sought on 'in default status' on the charity register.	CEx	Complete
97 (17)	21/03/22	9	Board agenda to include update following each stakeholder forum meeting going forward.	CEx	Complete
97 (1)	24/01/2022	5a	high level draft Business Plan to be brought to the March Board meeting reflecting discussions with DfC in February.	HCorpS	Complete
97 (1)	24/01/2022	11	Board papers to be shared with DfC	CEx	Complete
96 (1)	24/01/2022	5c	Action plan update to be reviewed at May Board meeting.	CEx	Complete
95 (2)	20/12/2021	3	A&RA committee to take forward co-opting a qualified accountant.	Séamus Magee	Underway
95 (10)	20/12/2021	6g	Hybrid working policy to be implemented on a pilot basis as permitted by Executive pandemic restrictions.	HCorps	Underway
94 (3)	15/11/21	5a	Corporate Social Responsibility policy to be developed as part of the next strategic planning process.	HCorpS	Underway
94 (9)	15/11/21	6	Implementation of changes to Ordinary Parental Leave policy to be negotiated	HCorpS	Underway
93(8)	18/10/21	7	Organisational approach to safeguarding to be developed.	CEx	Underway
92(6)	27/09/21	5b	Existing MOUs to be reviewed.	HChS	Underway
92(14)	27/09/21	6d	Office recovery plan to be implemented.	HCorpS	Underway
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 member of A&RAC Committee to be invited to attend.	HCorpS	Underway
88(3)	25/01/2021	4	Demo of risk assessment framework to be arranged for Commissioners.	HCorpS	Underway
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	Complete
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