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Setting the Charity Commission for Northern Ireland's strategic agenda

Feedback report

March 2023



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Foreword

The Charity Commission for Northern Ireland (the Commission) is the independent regulator of charities in Northern Ireland established under the Charities Act (Northern Ireland) 2008 (Charities Act). The Commission, in partnership with other key stakeholders in the charitable sector, is responsible for promoting the public's trust and confidence in charities.

Since the Commission's last strategic plan there have been several significant changes, including the introduction of the [Charities Act \(Northern Ireland\) 2022](#), which addressed issues arising from the original act. During this time [an independent review of charity regulation](#) was also carried out and made 93 recommendations for the Commission and the Department for Communities. The department published a [formal response](#) to the independent review report setting out how some of the recommendations are linked to powers in the new Charities Act (2022), while others require Primary or Secondary legislation or work with the other bodies.

The Commission aims to implement as many of the recommendations from the review as resources made available by sponsor department will allow. However, as a delivery body, there are other recommendations which will only be able to be delivered when the required legislation is in place. As not all of the review's recommendations can be delivered at once, the strategic plan 2023-2026 aims to prioritise the implementation over the next three years.

While developing the draft strategic plan and engagement strategy the Commission asked for the views of the charity sector, other stakeholders and the public. We have considered these comments alongside feedback from an omnibus survey, the annual public meeting and a staff planning day. This report provides an analysis of the thoughtful and detailed feedback we received. This report sets out some of the areas where this feedback will inform the finalised strategic plan and engagement strategy.

In developing these plans we have not lost sight of the external realities, including the continuing impact on charities of difficult economic conditions. While we cannot directly mitigate the challenging situations that many charities find themselves in, we can assist by promoting a well-regulated charity sector which maintains public trust and confidence in charities. We would like to thank all those individuals and organisations who took the time to share their views with us.



Gerry McCurdy



Frances McCandless

Introduction

The Commission is developing a new strategic plan and a new engagement strategy. Both are being undertaken following the Independent Review of Charity Regulation¹ commissioned by the former Minister for Communities. To support the Commission in setting its strategic agenda for the next three years, 2023-2026, we sought the views of the charity sector, other stakeholders and the public on the proposed draft strategic plan and engagement strategy. During the 16-week consultation, which closed on Monday 6 March 2023, we received feedback from 10 individuals and 12 organisations. We also received feedback from the 25 attendees at the Commission's annual public meeting which was held on 16 November 2022 and from 992 participants in an Omnibus survey which was conducted online between 8 Dec-14 Dec 2022.

This report provides an analysis of that feedback and outlines our next steps. A list of respondents is available at [Appendix 1](#), this is not a full list as some individuals and organisations preferred not to be named. Publication of the report was delayed until the strategic plan was approved by the Department for Communities.

Methodology

Information about the consultation was published on the Commission's website and disseminated to stakeholders using email, twitter, vlogs, a blog and a radio advert.

Interested parties could either express their views on both the strategic plan and the engagement strategy or respond to only the strategic plan or the engagement strategy. Participants had four ways to provide feedback, by:

1. completing an online survey
2. downloading a copy of the questionnaire and returning it by email or post
3. participating in a roundtable session at the annual public meeting
4. taking part in one of four consultation events, one in-person event or three online events taking place in the morning, afternoon or evening.

Equality & Accessibility

A copy of the [Equality Screening](#) for this consultation was published on the Commission's website along with an [Easy Read](#) version of the Consultation document.

The Commission would like to acknowledge that we have not specifically consulted children and young people, who fall under the S.75 category of Age (16+). The Omnibus survey has an age category of 16-24 years but cannot tell whether any of the respondents were from the 16-18 year old age bracket.

¹ [Independent Review of Charity Regulation Northern Ireland \(communities-ni.gov.uk\)](#)

Extension of consultation deadline

The Commission extended the deadline to respond to the consultation from 6 February 2023 until 6 March 2023. This was to facilitate those who had not had the chance to respond due to the survey being held over the Christmas and New Year period. Across the four consultation events which were offered, in total, less than ten people booked to attend. Each of these were offered an online meeting or telephone call. One person accepted this offer while the others used other ways to submit their feedback.

It is difficult to tell whether the lack of interest in consultation events was due to the subject matter of the consultation, timing or reflects a change in working patterns following the pandemic.

Context of consultation

As mentioned in the Foreword this consultation was conducted during a time of significant change for charity regulation in Northern Ireland. The Independent review of charity regulation made 93 recommendations, most of which were accepted by then Minister for Communities, Ms Deirdre Hargey. Several of these recommendations have been sought by the charity sector for some time and the publication of the report has undoubtedly raised expectations within the sector.

In responses to the consultation there are several references to the need to implement changes at pace and for the Commission to demonstrate agility in its work. It was also raised that the Commission should ensure that what is proposed is achievable. One respondent expressed concern that the tone of the consultation document implies developments will be very limited and this would not inspire confidence in the vision and objectives for stakeholders.

The Commission is keen to implement these recommendations and understands these valid concerns. However, as an implementation body, the Commission must also be frank with its stakeholders and manage expectations around areas which are not within its current remit to deliver. According to the formal response of the Department for Communities, delivering the review will take five years. The Commission has already begun work on those recommendations which are within its control, for example review of website and streamlined guidance for annual reporting. However, as some of the changes will require legislation the Commission will not know what it is to deliver until this legislation is developed and enacted.

Resources are an issue for both the charity and public sector. Partnership and collaboration will be a feature of our work. Even so, choices between competing priorities will arise. For example, the cost of renewing the web site, as the main source of advice and communications with charity trustees, to make it more user friendly will take precedence over changes to register display for example introducing an ability to search it for particular trustees.

This consultation is the beginning, not the end, of a conversation with the sector and all the Commission's stakeholders.

Thank you

The Commission would like to thank everyone who provided feedback to the consultation. While we cannot document all the feedback that we received, we have considered all comments and our substantive responses to them are noted within this report. If you have submitted feedback and do not see the Commission's response to it reflected in the report you can contact the Commission at consult@charitycommissionni.org.uk to arrange to discuss the report.

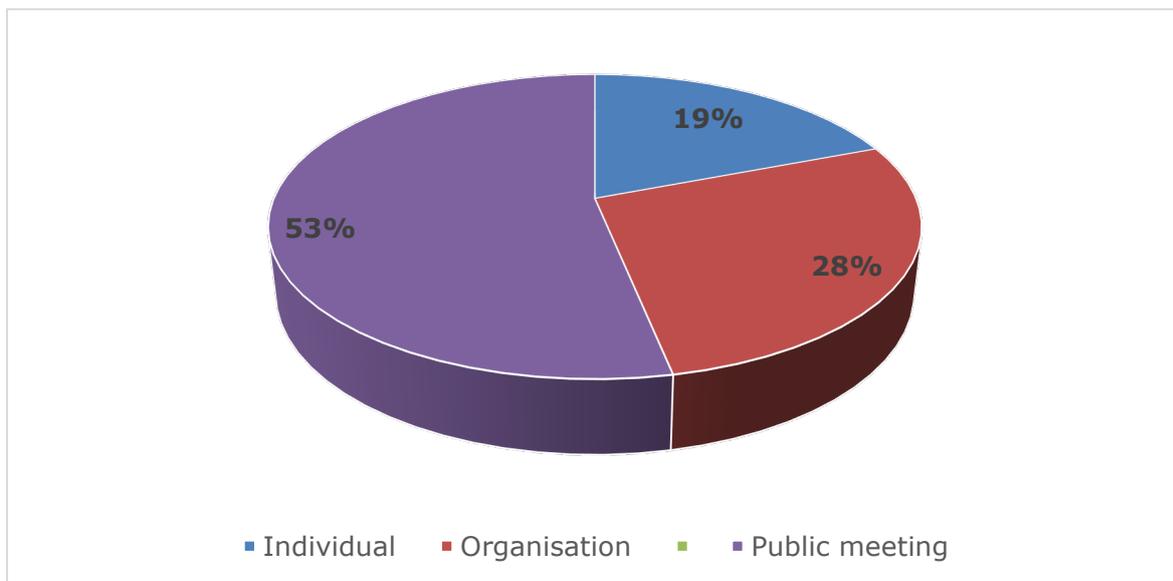
Next steps

This report will be published on the Commission's website and, where possible, an email will be sent to those who took part in the consultation. We are now finalising the strategic plan and engagement strategy and will publish them as soon as possible.

Section 1: Who took part in the consultation?

We received responses from 10 individuals, 12 organisations and 25 people who attended the roundtable at the Commission's Annual public meeting on 16 November 2022. These are people or organisations who are involved in the charity sector as charity trustees, employees or volunteers or work with the sector as advisers or funders.

Chart 1: Source of responses: individuals, organisations, or events



To gain the views of a wider section of the public the Commission placed six questions in an omnibus survey which was conducted online between 8 December and 14 December 2022. These questions focussed on the proposed vision and mission of the Commission, the priorities set out in the strategic plan, the understanding of an 'enabling' regulator and how the Commission should communicate with charities and the public to become a more enabling regulator. There were 992 responses to the omnibus survey. While these respondents were unable to include comments or suggestions with their responses, they did provide a flavour of the general public's view on these questions.

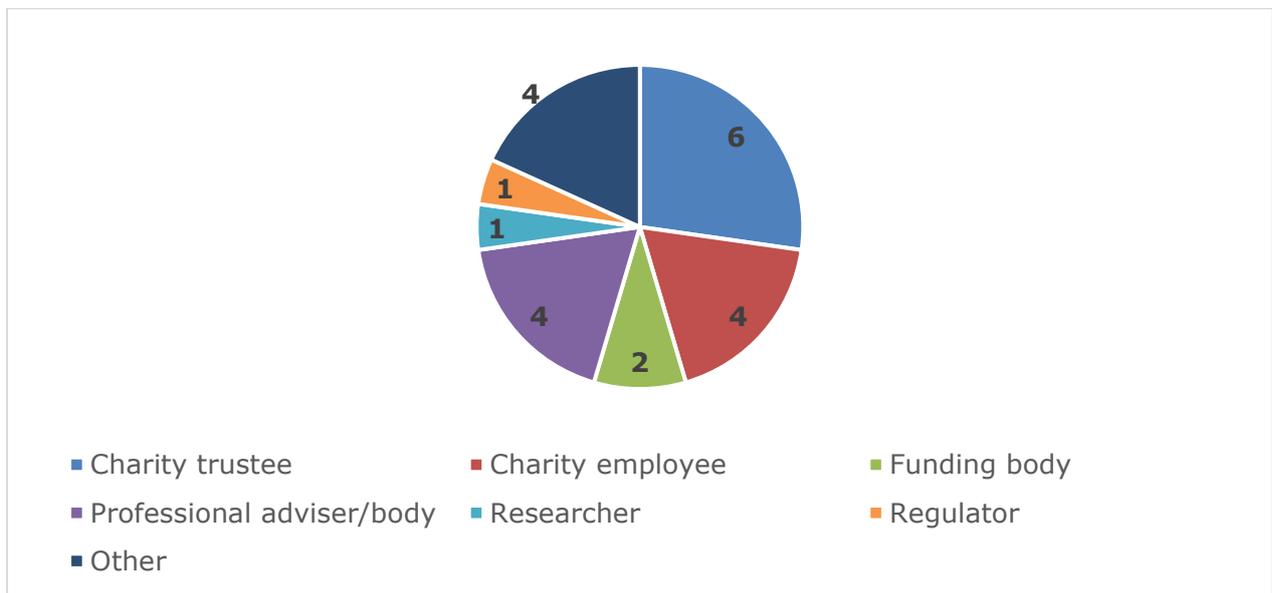
Those who took part in the consultation could provide feedback to both the draft strategic plan and engagement strategy or to only one of the draft plans. As the pie chart below shows most respondents chose to express their view on both plans.

Chart 2: Responding to one or both plans.



The role held by those who responded to the survey included those working in or advising charities, funding bodies and others. These roles are set out in the pie chart below.

Chart 3: Roles of respondents



Those identified as 'Other' include: one person described as a 'resident in the community' and three others who did not reply to the question.

Section 2: The Commission's vision, mission and values

The Commission last consulted on its draft strategic plan in 2018. Since then there have been a number of significant developments in charity regulation. A Court judgment on the delegation of decision making within the Commission, an independent review of charity regulation in Northern Ireland, and the introduction of the Charities Act (Northern Ireland) 2022. During this time two new Commissioners have also joined the Board of the Commission.

In this dynamic context the Commissioners proposed a new vision and mission for the Commission. These are:

Vision: *Well run and trusted charities making a difference in people's lives.*

Mission: *enabling charities to do things right through proportionate regulation, best practice and advice.*

They have also proposed the values and enabling behaviours which the Commission would adopt to deliver this vision and mission.

2.1 What we asked:

Respondents were asked to comment on the following questions:

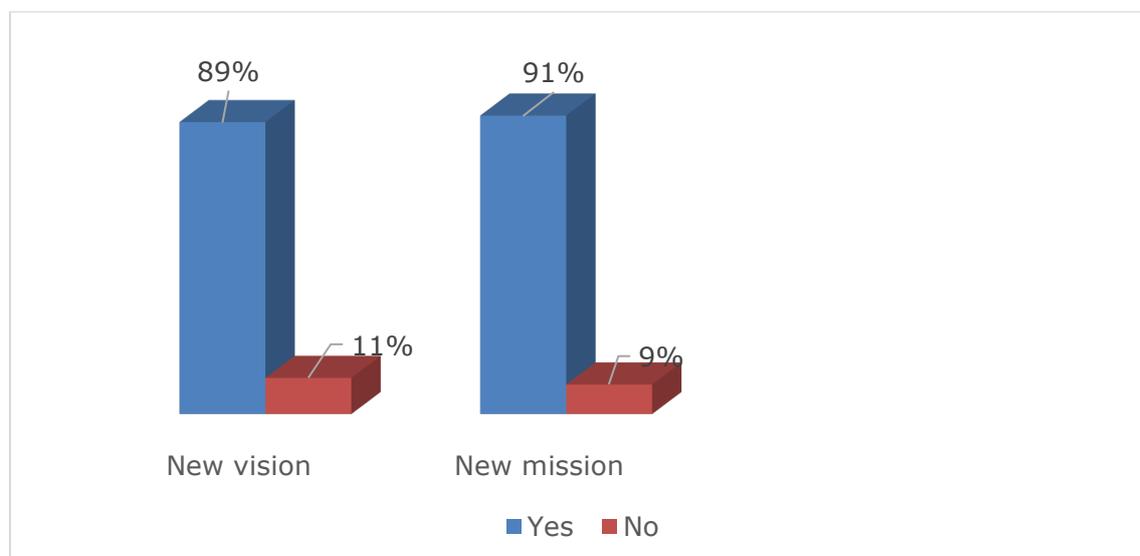
1. Do you agree with the Commission's new vision?
2. Do you agree with the Commission's new mission?
3. Do you agree with the values and enabling behaviours the Commission has set out?

2.2 What you told us:

Both respondents to the online omnibus survey and consultation had the chance to tell us whether they agreed or disagreed with the proposed new Vision and Mission. Only those taking part in the consultation and the roundtable at the public meeting had the opportunity to offer comment or suggestions on how these could be developed.

The combined results of these responses show that 89 per cent agreed with the new Vision and 91 per cent agreed with the new Mission. These results are set out in Figure 1, below.

Figure 1: Do you agree or disagree with the Commission's new vision and mission?



The Vision:

Three respondents qualified their view by replying: Maybe, Yes & No or explaining that they would have liked an option to say they were unsure. Their uncertainty reflects the range of views on the Vision expressed by respondents to the consultation.

Some of the 89 per cent who agreed with the Vision supported their view with comments such as:

- is clear and focused on impact.
- sums up what the intention of charity regulation is: to improve how charities are run, which in turn will improve trust in charities and the sector.
- This is a practical approach that will facilitate the generality of charity trustees to get on with their work will reinforce their confidence.
- Trust in charities is a vital part of public/funder confidence. Having a charity commission in place to endorse those charities helps them to achieve their goal of making a difference in people's lives.

Comments submitted by some of the 11 per cent who disagreed with the Vision included:

- The vision is vague and 'wafty'.
- Does not focus enough on the Commission.
- It is too focused on how charities rather than the Commission would perform and was therefore more a vision for the charity sector than for the Commission itself.

One participant thought the Vision as currently worded has the potential to miss the focus of the Commission's statutory objectives, which place a particular emphasis on supporting charity trustees in their legal obligations.

Another suggested that the vision should include a more explicit reference to the Commission's role in enabling, supporting and regulating charities. With a clear

focus on how the Commission itself will support charities in improving their governance, their public image and their impact.

One respondent suggested that a key vision for the Commission should be to keep the sector vibrant, by encouraging and enabling charities that are no longer needed, or effective, to close.

Similar views were expressed by two other respondents who suggested the Vision be changed to read: To support and sustain a vibrant, accountable charity sector that has public benefit at its heart. Or: Well run, transparent, and trusted charities, changing people's lives.

The Mission:

There was a similar range of views about the Commission's proposed Mission.

Some of the comments submitted by the 91 per cent who agreed with the Mission were:

- we think this is a good mission statement.
- it demonstrates that the CCNI is not only a regulator, stepping in when things go wrong, but is also actively supporting charities to do things right.
- short, succinct and to the point. Good that proportionality is included – ultimately it is about making a difference and that is reflected in statement.
- 'enabling charities' and 'best practice and advice' was liked.

One of the 9 per cent who disagreed with the Mission commented:

- what does the Commission mean by 'right'?
- 'do things right' is very vague.
- to do 'things right' is a bit subjective. The Commission regulates and provides best practice and advice, rather than judges on 'rightness.'
- We would suggest replacing 'to do things right' with 'to be compliant' or 'to do things well'.

One respondent thought a Mission statement for a regulator needed a harder edge.

Values and enabling behaviours:

Only those individuals or organisations that responded to the consultation offered a view on the values and enabling behaviours the Commission has set out. Of the 18 respondents who expressed a view, 13 agreed and 4 disagreed with the proposed values and enabling behaviours.

Of those who agreed: Two respondents felt that one of the great strengths of the Commission has been the accessibility of its staff and its supportive approach. They thought the Commission is very strong in this area and should be encouraged to continue.

Another thought these values and behaviours were standard and what any civil or public service body should strive to be.

One respondent thought that these values do not reflect the relationships that need to be built to deliver on the Vision and Mission. They also thought that 'accessible' was too one way and that perhaps collaboration might be worth thinking about.

A key response to this question was expressed by four respondents who thought that 'proportionate' should be a standalone value. They explained their view by saying: In this way it could become a test by which any new regulation, guidance or advice could be assessed. It would also encourage the Commission to provide a clear rationale for its decisions, including explanations of how these should benefit the sector.

Another view on the values was that the inclusion of 'fearless' introduced a combative tone, which is at odds with some of the other enabling behaviours listed. This respondent suggested that perhaps the reference to impartiality is enough to convey that the Commission would seek to engage with its stakeholders, whoever they may be, without fear or favour. They also suggested that the enabling behaviour of 'supporting equality,' currently attached to 'independence, may be better placed with the 'accessible' value.

2.3 What we will do:

This feedback was provided to Commissioners, with recommendation to retain *Vision and Mission* with an added paragraph to explain the difference between the Vision and the Mission. We recommended to Commissioners that the proposed changes to the *Priorities* and *Values and enabling behaviours* were accepted. Commissioners accepted this feedback but asked for proportionate to be expanded to show added value.

The Values and enabling behaviours section of the strategic plan now reads:

Value	Enabling Behaviours
Integrity	Honest, open, supportive, fair, trustworthy, respectful, valuing diversity, accountable.
Independence	Impartial, fearless, supporting equality, rigorous.
Excellence	Striving to be the best we can be, implementing best practice, learning, influencing, leading, seeking continuous improvement, innovating, proactive, targeted.
Accessible	Good communications, flexible approach, listening, respectful in tone, reflective, engaging, collaborative, encouraging and positive, visible.
Proportionate	Supportive, targeted, being responsive.

After considering the feedback on the proposed Vision and Mission the Commission has decided to retain the proposed wording but would like to clarify any misunderstanding which may have arisen. In proposing this new Vision

Commissioners are painting a picture of the future and what the charity sector will look like in that future.

As the Commission regulates in the public interest the new Mission sets out what the Commission will do to help create that future. Regulation is only part of what the Commission will do, while the sector will also play its vital role in creating this future.

Section 3: The Commission strategic plan - priorities

The Commission believes it can best fulfil all its statutory objectives, with the resources at its disposal, and deliver the recommendations in the Independent Review by concentrating on the following four main priorities in the coming three years:

1. Progressing charity registration to enhance accountability.
2. Progressing our development as an enabling regulator.
3. Continuing to develop proportionate regulation.
4. Operating as an effective and efficient public body.

3.1 What we asked

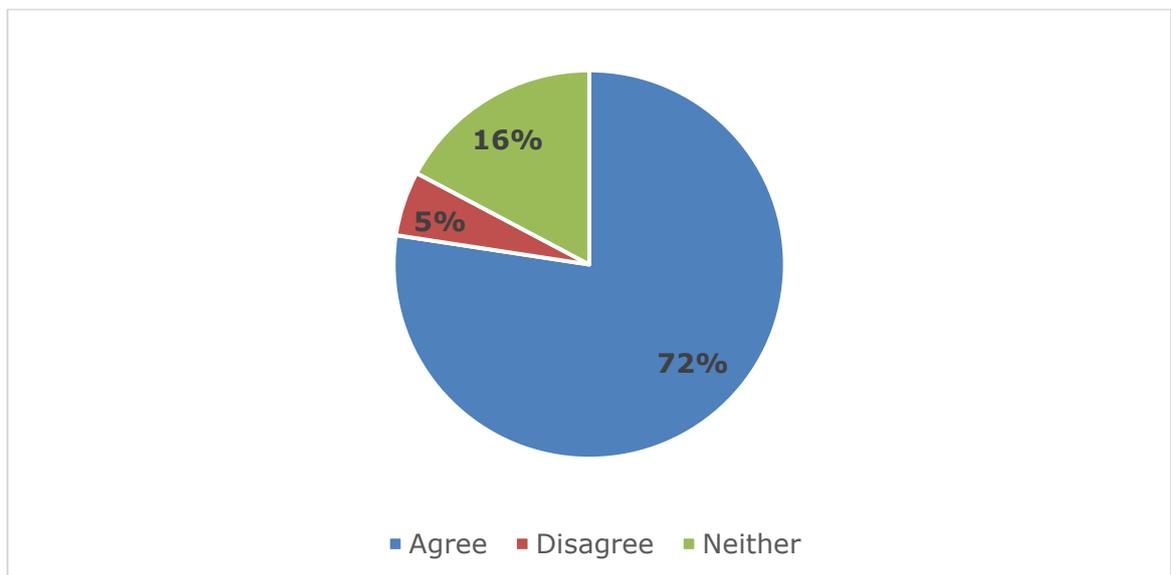
Respondents were asked to comment on the following questions:

1. Do you agree with the main priorities the Commission has set out?
2. Are there any other comments or suggestions you would make to help the Commission fulfil its statutory objectives and deliver the Review?

3.2 What you told us:

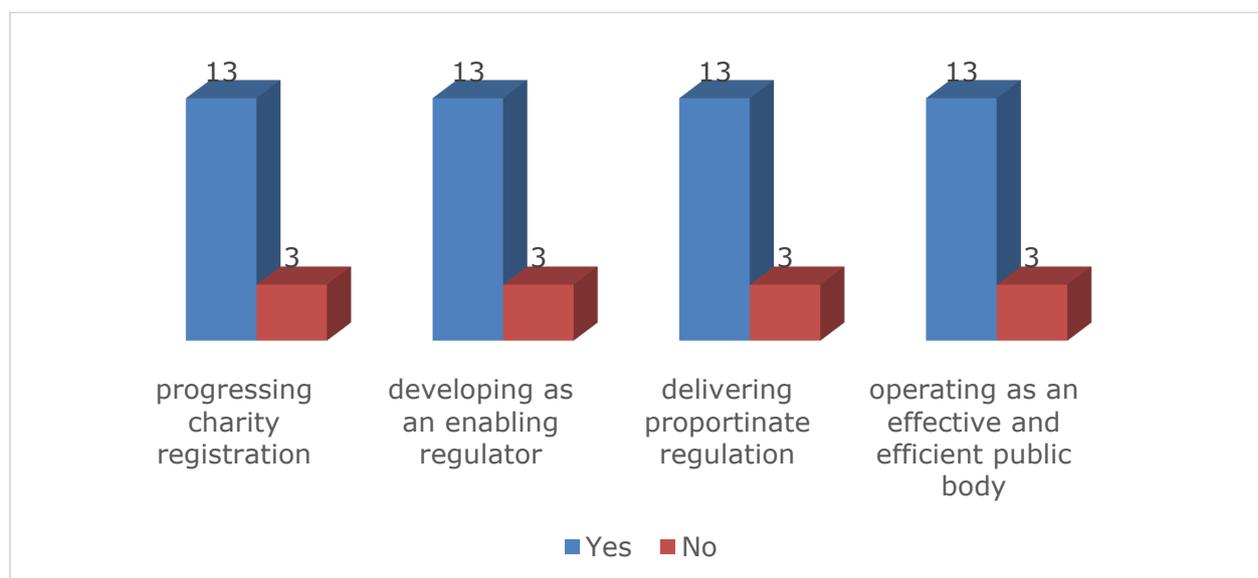
Of those who answered this question on the omnibus survey, 72 per cent agreed with the Commission's priorities, 5 per cent disagreed and 16 per cent did not express a view. Their responses are illustrated in the pie chart below:

Chart 4: Do you agree with the main priorities the Commission has set out?



Of the 22 participants in the consultation 15 expressed a view on whether they agreed or disagreed with the Commission’s main goals in terms of the four priorities set out above. As we can see in the diagram below 80 per cent (12) agreed with the Commission’s main goals while 20 per cent (3) did not agree.

Figure 2: Do you agree or disagree with the Commission’s main goals in terms of its priorities?



Responses from individuals and organisations

Comments received from those who agreed with these priorities included:

- with these priorities, the regulator is building on existing strengths.
- welcome as positive, the focus on communications and engagement and proportionate enforcement from year one.
- I particularly like the project to identify dormant charities and wonder if there is a possibility of also looking at older charities and their need for modernisation?

One participant noted that the priorities did not include the advice element that was set out in the proposed Mission.

One respondent, although content that registration was a priority, expressed concern that casework decisions would be further delayed. Casework decisions are taken when a charity requires the consent of the Commission to carry out an action or a change. For example, to make certain changes to its governing document or authorise certain types of payments. They felt that, once established a charity is legally a charity whether registered or not, whereas delays in casework decisions could impact and hinder a charity’s operations.

Several respondents wanted the Commission to be more proactive and ‘on the ground’ especially around annual reporting. Among these, one respondent thought that resuming the annual monitoring return should be done as soon as

possible. They explained that there is confusion around when charities impacted by the Court of Appeal judgment were legally due to resume submitting annual monitoring returns. They noted that some charities may not have a legal obligation to do so until 2024/2025. They felt that this could cause difficulties for funders because they would not have access to up to date information. If funders insist on applicants keeping their records with the Commission up to date this can cause friction with them.

3.3 What we will do:

Some of the issues raised by participants in the consultation illustrate the constraints under which the Commission as a delivery body works.

The emphasis on registration in the Commission's priorities is in response to the recommendation 7 of the independent review, which states: *the Commission refocus its regulatory efforts on its primary statutory objective to complete the register of charities by clearing the backlog of registration applications.*

As a delivery body the Commission must prioritise this work as the recommendation was approved by the Minister.

Likewise, the Commission understands the concerns of funding bodies and others re the impact of the Court of Appeal judgment on the submission of annual accounts and reports. The new Charities Act (2022) addressed this by not obligating charities registered before the end of May 2019 to back fill their accounts from this period. As this would leave gaps in a charity's reporting record, the Commission provided charities with the opportunity to continue to submit these reports on a voluntary basis. While this may not have been possible for all affected charities, the Commission was pleased to see a large proportion (44%) did so by the end of February 2023. However, the Commission can only encourage voluntary reporting for those charities until their legal obligation, with its relevant timeline, comes back into operation.

The Commission has noted the question by one participant who asked whether the project to identify dormant charities could be extended to include looking at older charities and their need for modernisation? While the Commission welcomes this suggestion unfortunately as delivering the review is already estimated to take up to five years the Commission could not commit to additional suggestions at this time.

Section 4: The Commission's strategic plan – main goals

The consultation document set out main goals under each priority. These key aims are in addition to the regular ongoing work of the Commission, which will feature in business plans for each of the three years. Some of the additional delivery aims are also dependent on the resources that are made available to the Commission over the life of the plan. The Commission is committed to delivering as many as possible within the resources made available.

Section 3 reported on the participants' response to charity registration being a priority. Their understanding of an enabling regulator is reported on in Section 5 below. This section will look at the Commission as an effective and efficient public body and proportionate regulation.

4.1 What we asked

Those who took part in the consultation were asked to comment on the following questions:

- Do you agree with the main goals the Commission has set out in terms of delivering proportionate regulation?
- Do you agree with the main goals the Commission has set out in terms of operating as an effective and efficient public body?
- With a finite budget, what areas of activity should the Commission be prepared to reprioritise or stop altogether?

4.2 What you told us

Of those who responded to the question on whether they agreed with the main goals the Commission has set out in terms of delivering proportionate regulation, 12 agreed and three disagreed. A range of comments accompanied these responses.

Two responses concerned the proposed traffic light system for annual reporting. They said:

- If the Commission is to pursue a 'traffic light' system for rating the timeliness of charities' reporting, it should be clear that this only relates to the promptness of the report and not its compliance, quality or completeness. It is entirely possible that a charity could submit accounts and reports which are not in line with regulation, but because they are on time, a charity receives a 'green light'. To avoid the possibility of any confusion, it may be preferable to move away from a colour-based traffic light system and instead simply use the labels 'on time', 'submitted late' and 'not submitted'.
- Not sure about the traffic light system for those charities that have submitted late. Think it would be better to include the number of days that it was late rather than having an amber colour against it. Also the green light for those that submit on time implies to the public that they're good. They may not even have prepared their accounts and reports in

line with the regulation but because they filed on time they get the green light? This has the potential to create misunderstanding about charities.

One participant thought it was not clear how this approach to proportionate regulation links with the registration threshold recommendation so that existing charities can avail of the proposal. They suggested that perhaps this also needed to be included in the plan.

Another respondent raised the issue of s.167 organisations and what level of reporting will be required from them. These are organisations which operate for charitable purposes in or from Northern Ireland but were established in law outside of Northern Ireland. The Charities Act (Northern Ireland) 2008 refers to these organisations as Section 167 institutions.

This participant asked for reassurance that there will be minimal impact in terms of the monitoring and the administrative burden on UK-wide charities, which would fall under s.167.

In the feedback to this question one respondent suggested the Commission provide, as part of its new website, the ability to search the *register of charities* using a trustee name.

Of those who answered the question on whether they agreed with the main goals the Commission has set out in terms of operating as an effective and efficient public body, 12 agreed and three disagreed.

There were very few comments on this question in the consultation. One person commented that these are good ideas, but they seem quite internal goals and sound like a significant amount of work. The other comments were:

- there is nothing here about the registration threshold which has cross cutting implications.
- there should be a focus on registration and engagement/training as this would ultimately reduce risk.
- One participant expressed concern that the work on registering section 167 charities is not planned until Year 3, as these charities have been waiting for years to register with the Commission.

As we have seen throughout this report both the Commission and those who took part in the consultation are very aware that these plans can only be delivered to the extent that they are resourced. At the same time, it is widely acknowledged that resources in both the charity sector and public sector are very constrained and likely to be for the foreseeable future. That is why we asked for suggestions as to what areas of activity the Commission should be prepared to reprioritise or stop altogether.

We received a very small number of replies to this question those who replied said:

- The Commission fulfils an important function for a substantial sector in Northern Ireland, some of this is about a change in approach and much

can be achieved in this. The plan is ambitious, but I don't think anything should be taken out.

- None, the Department needs to properly resource the Commission to enable it to be an effective regulator.

4.3 What we will do

As in Section 3, a number of issues have been raised here which sit outside the Commission's current remit or must be implemented by the Commission due to the recommendation of the independent review. These issues illustrate the constraints under which the Commission as a delivery body works.

For example, the introduction of a traffic light system for annual reporting, arises from Recommendation 38 of Independent review, which asks the Commission to *introduce a traffic light system that allows greater differentiation between filing defaulters*

- *green flag for on-time submission*
- *yellow flag for 'slightly late' (which at the Commission's discretion could be one week or one month after the due date), and*
- *red flag for all other defaulters.*

The new ratings will only refer to when reports were received by the Commission, not the quality of the information provided.

In the same way the emphasis on registration in the Commission's priorities is in response to Recommendation 7 of the independent review, which recommended that *the Commission refocus its regulatory efforts on its primary statutory objective to complete the register of charities by clearing the backlog of registration applications.*

As these recommendations were accepted by the Minister the Commission must implement them.

A similar constraint lies on the Commission with regards to the issues raised concerning the proposed registration threshold and s.167 organisations. As the Department for Communities (DfC) set out in its [formal response](#) to the independent review, implementing all the recommendations of the review will take up to five years and some of them will require new legislation. In the meantime, DfC is responsible for prioritising which parts of the review will be implemented first, but has made clear that there is not the capacity to deliver everything in the review within a short timeframe.

The Commission is committed to implementing the recommendations of the review and has begun work on those recommendations which are within its control. We have already implemented several of the recommendations of the review.

Suggestion re the search function

The Commission welcomes the suggestion for functionality to be developed to allow a search to be carried out using a trustee name. This is a feature that is available on the registers of other regulators. Unfortunately, due to competing priorities the Commission has been unable to commit budget spend to providing this functionality.

Reprioritising in light of resources

The Independent review acknowledged that the fulfilment of its recommendations would require resources. Several respondents to the consultation also included calls for the Commission to receive more resources. The Commission acknowledges the reduced resources faced by charities and public services.

We will plan to use our resources to deliver as much of this strategic plan as possible. We will enhance the impact of our resources through collaboration, working differently and finding new ways to work more efficiently. However, the Commission has always been a small team and is likely to remain so and therefore one of the key messages we need support in sharing is the need to manage expectations about what the Commission has the power to implement and the amount the Commission can achieve.

Section 5: What does an enabling regulator mean to you?

The Commission wanted to understand what the public and those more familiar with the charity sector, including those being regulated, think an 'enabling regulator' would look like.

5.1 What we asked

- Do you agree with the main goals the Commission has set out in terms of developing as an enabling regulator?
- What does 'enabling regulator' mean to you?
- How could the Commission increase collaboration with the charity sector and its supporters and funders in terms of developing further as an enabling regulator?

5.2 What you told us

Those responding to the online omnibus survey were presented with a list of descriptions and asked to select those that they felt would describe an enabling regulator. While there was no limit on the number of descriptions they could select, they did not have the opportunity to explain their selection. Even so their feedback, set out in Table 1 below, draws a picture of what a representative sample of the Northern Ireland public understands by the phrase 'enabling regulator.'

Table 1: What does an enabling regulator mean?

What an enabling regulator does:	Selected by:
A regulator who helps you get things right.	56% (554)
A regulator who detects and acts against wrongdoing.	41% (408)
A regulator who listens.	27% (269)
A regulator who makes it easier for the public to complain about charities.	22% (220)
A regulator who communicates in different ways.	14% (137)
Does not mean anything to me.	13% (127)
None of the above.	1% (9)
Don't know.	5% (49)
Prefer not to say.	<1% (4)

Those responding to the consultation understood an enabling regulator to mean:

- a critical friend that can offer advice specific to the charity's needs.
- A regulator that would provide clear concise guidance, webinars and training, encouraging Trustee diversity, with simple but effective processes.

These respondents also made a wide range of suggestions as to how the Commission could increase collaboration with the charity sector, its supporters and funders, in terms of developing further as an enabling regulator. One respondent noted that this type of collaboration tends to be a draw on time and needs resourced hours, which could be an issue for the Commission.

Bearing this in mind the suggestions included:

- Organise regular meetings/forums with professional bodies to allow constructive feedback to be received.
- more 'face-to-face' contact with the regulator, with more engagement through forums and stakeholder groups relating to particular themes or sub-sections of the sector.
- Collaborate with charity partners who provide board/trustee training such as Board room apprentice.
- Ensure diversity and people with lived experience are on advisory and decision-making panels.
- More engagement and co-design with external stakeholder bodies.
- Engage and consult better with the Helper Groups who work firsthand advising and helping charities.

Some respondents felt that communication with the Commission seems one-sided and that rather than simply broadcasting its messages, the Commission could work to improve its listening mechanisms.

Likewise, they thought the Commission tends to communicate one way with the helper groups and does not necessarily make full use of some of the stakeholder groups available to it, including the helper groups. Suggested they should be brought together annually to discuss any issues with charity regulation or guidance.

Another participant suggested the Commission should aim to provide evidence and details of how the information it gathers is used to benefit the sector, for example how this information goes on to inform future guidance and regulation.

5.3 What we will do

The Commission acknowledges that, both from the Commission's and charity sector's perspective, it will take committed resources to make collaboration and engagement work. The Commission is aware that it relies on the capacity and resources of potential partners to collaborate. It agrees that making full and better use of helper groups and other stakeholder groups will be important in achieving meaningful engagement and collaboration. It is also aware that this can be a challenge for smaller charities that find it difficult to devote scarce resources or staff /volunteer time to this.

As part of the new engagement strategy the Commission will be setting out how it intends to engage with Helper groups, its stakeholder forum and critical friends. It is likely that different types of contact and frequency may suit different stakeholder groups.

Helper groups

The Commission will be refreshing membership of these groups and coming to agreement with them about how frequently they meet and what are the best methods of creating two-way communication. Currently the monthly helper group ezine is designed to keep helper groups up to date with changes in guidance and processes at the Commission so that they can assist others. It is also a monthly point of contact and vehicle through which helper groups can raise issues that they are aware of in their area.

In the past meetings with the helper group have been a challenge due to work commitments for all these groups. The Commission will review with Helper groups how to develop this relationship to become more two-way and how and when meetings would be useful to them.

Stakeholder forum

Following an open call for new members the Stakeholder forum has recently expanded from 12 to 24 members representing a range of charities. The forum also includes a representative from a funding body and a professional adviser to charities. The forum currently meets four times a year. The Commission will explore whether to establish a sub-group of the forum for professional bodies which could meet twice a year as suggested.

Critical friends

The Commission is also refreshing its Critical friends panel which, like many other groups, had been affected by the pandemic. The Commission is also aware that there can often be overlap between the membership of these forums and wants to ensure that unnecessary duplication can be avoided.

The Commission notes the suggestion to ensure diversity and people with lived experience are on advisory and decision-making panels. It is unclear what is meant by decision making panels. The DfC recruits Commissioners, who are the decisionmakers at the Commission, through an open process. The Commission notes that the department seeks to appoint people with governance experience, but in the past, this has not necessarily been governance experience within the charity sector. The department will receive a copy of this report and be made aware of this suggestion. In the meantime, Commission will continue to pay attention to the views of the stakeholder forum.

Section 6: The Commission’s engagement strategy

Many of the questions about how the Commission could become more enabling, which were included within the strategic plan section of the consultation document, also touched on the engagement strategy. This section of the report focusses on the questions that were specific to the development of an engagement strategy.

6.1 What we asked

Respondents were asked to rate the extent to which they agreed or disagreed with:

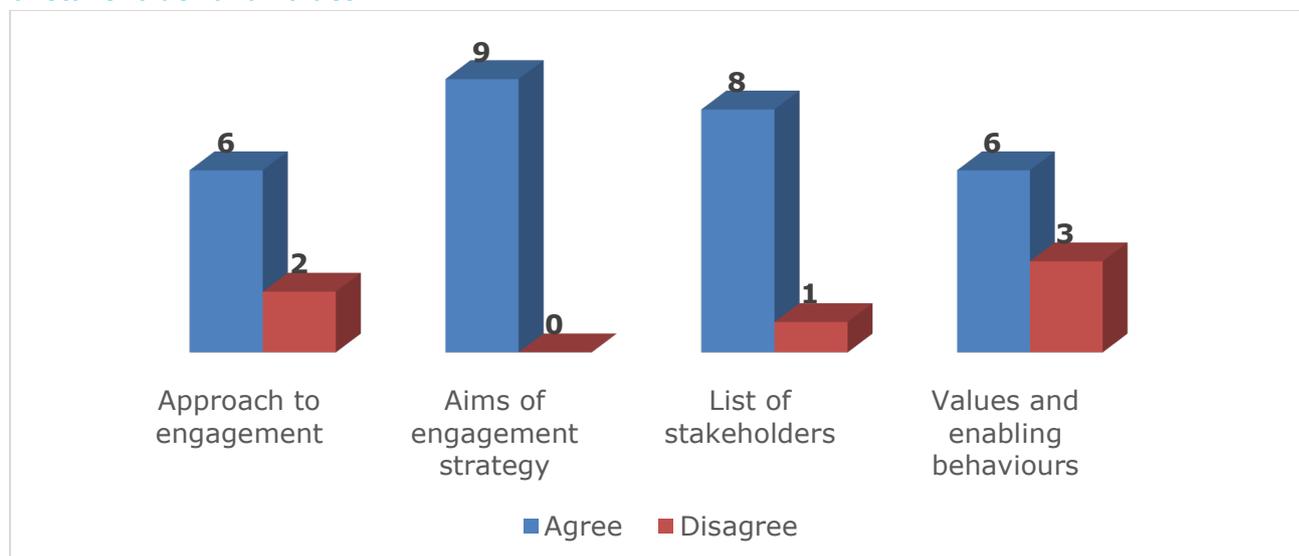
- The Commission’s approach to engagement
- The aims of the engagement strategy
- The list of stakeholders and
- Values and enabling behaviours underpinning the engagement strategy.

And whether there were other aims which the Commission should include in the strategy.

6.2 What you told us

Of those who replied to these questions most expressed agreement.

Figure 3: Do you agree or disagree with the Commission’s approach to engagement, list of stakeholder and values.



While there was a small number of responses the comments provided are very useful to the Commission.

The aims of the engagement strategy and the Commission’s commitment to taking more proactive approach in seeking the sector’s views, were warmly welcomed by most respondents. Several noted the importance of these efforts being extended to as diverse an audience as possible, both in terms of equality characteristics and in terms of the location and size of organisations.

Another noted that collecting the views of a wider range of charities can only strengthen the partnership between the Commission and local organisations.

Another found it encouraging to see a multi-channel communications strategy, and one which ranks consult/collaborate as equal to inform/educate. In doing so, the Commission is indicating a desire to listen and there are several beneficial mechanisms listed, in particular, the forums and stakeholder groups.

However, this participant also cautioned that there must be a commitment to 'listen' and not simply to 'consult'. For them listening would mean that the Commission takes note of what the sector suggests and either acts upon that or explains why it has not.

One person suggested that a definition of listen should be included to ensure actions come out of that listening or, if not, an explanation was provided to those who had contributed to the exercise.

Two respondents suggested other aims which the Commission should include:

- We would add that the Commission should aim to be more informative and collaborative in terms of viewing the sector as a partner with a wealth of expertise to bring to the table. The process of enabling begins with genuine engagement from the outset. We welcome the Commission's consultative approach to date on this strategy and engagement strategy and hope that approach continues and at pace. That will ultimately assist with it becoming an enabling body rather than simply an enforcing regulator.
- Reach out to charities who have education teams and deliver training to health and social care. There are a lot of charities who provide this service who provide training at suitable times within organisations to improve health and social care practice.

List of stakeholders:

Most respondents to the consultation thought the list of stakeholders was very comprehensive. Although one noted that there is something about hearing from groups that are having difficulty in engaging at present

Another participant thought that the way in which stakeholders have been grouped seems logical overall but suggested breaking these groups into smaller sub-groups or considering where different groups fit in order of priority, noting that this may differ for different issues.

Another offered broad agreement but thought it would be useful to understand how the Commission will implement the strategy, particularly how the Commission will prioritise engagement so that it is carried out in a way that is achievable and measurable. They also asked how the stakeholders on the list will be tiered/ranked.

Potential additions to the list were suggested including:

- Charity Tribunal, and judiciary
- Companies House
- Head bodies of Churches
- Financial Conduct Authority
- NI Fraud Forum
- The Developing Governance Group
- NI Arm's Length Bodies that fund/work in collaboration with the charity sector e.g. VSS, COSICA, Commissioner for Victims of Crime, Troubles Commissioner, NIHRC, NICCY.

One respondent suggested that specific charities should be added for example Dementia/Alzheimer's/Parkinson's.

6.3 What we will do

The draft engagement strategy did not provide granular details or implementation plans as the Commission wanted to gather feedback on our approach to engagement and whether stakeholders thought we were setting off on the right direction. We also wanted to learn from the experience of respondents and from good practice that others had experienced.

Before this draft strategy was put out to public consultation a short, targeted consultation on development of the engagement strategy was undertaken from June 2022 until the end of August 2022. An invitation to participate was sent to 22 small groups and the stakeholder forum. These groups were smaller, volunteer-led charities, working particularly rural settings, who were identified from the *register of charities* and from those awaiting call forward to register. In response to the invitation 14 (7 from small groups, 7 from forum) people agreed to participate. Despite follow up calls and emails only eight responses were achieved. This outcome demonstrated the challenge for the Commission to reach these groups and for them be able to participate. As part of this process each middle manager within the Commission was also asked to propose ways in which their teams could improve their engagement with stakeholders.

The Commission will now take this feedback and develop a comprehensive engagement strategy with implementation plans. Resource implications will be considered, and the engagement strategy designed to set out what is essential, and what is desirable, so that if adjustments need to be made due to available resources the essential elements will be protected.

We will add to the strategy what we mean by listening and how we will explain if we cannot act on feedback. As part of this we will ensure that when collecting feedback and in discussion with stakeholders we will clearly set out the parameters of any proposal. We will be explicit as to the constraints that the Commission will be working within. We will acknowledge that while we cannot respond to every point, we will explain where substantive suggestions have been made which we cannot adopt. We will also, as far as possible, offer to discuss this decision with any participant who is unhappy the decision.

Where suitable we will follow the model of this report, namely: What we asked, what you said and what we will do.

6.4 Further questions on the engagement strategy:

- Rate how the strategy will be monitored, reviewed and evaluated.
- Most and least referred methods of engagement.
- What words describe good and poor engagement.

6.5 What you told us

The Tables 2 and 3 below record the rate to which those who replied to this question agreed or disagreed with how the Commission intends to monitor, report, review and evaluate the engagement strategy.

Table 2 Monitoring the strategy.

Strongly agree/ Agree	Neither agree nor disagree	Strongly disagree /Disagree
71% (5)	29% (2)	0%

Table 3 Review and evaluation of the strategy.

Strongly agree/ Agree	Neither agree nor disagree	Strongly disagree /Disagree
71% (5)	29% (2)	0%

The number providing this feedback were very low and so the results are not statistically significant.

Table 4 below sets out the most and least preferred methods of engagement with the Commission from both the consultation and the omnibus survey. The number in brackets is the number of people who chose this option.

Table 4: Most and least referred methods of engagement

	Most preferred	Least preferred
Consultation	Events/Conferences (6)	Facebook (4)
	Zoom meetings (6)	Telephone surveys (3)
	Consultation meetings (5)	Twitter (2)
	Meet the regulator events (5)	
	Face to face meetings (4)	
	In person workshops- for registration or first time submitting an annual return (4)	
	Online workshop- for registration or first time submitting an annual return (4)	
Omnibus	Website 32% (314)	Telephone surveys

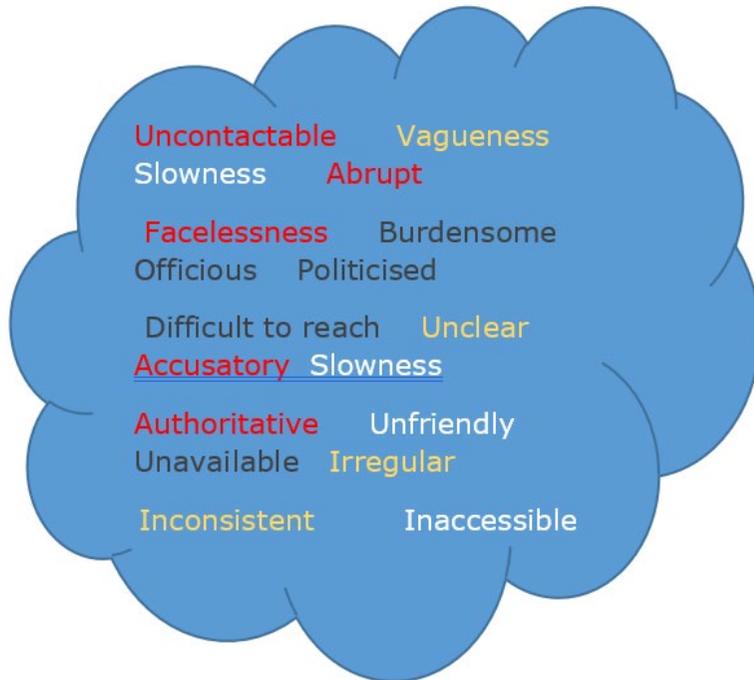
survey		8% (78)
	Asking the public's opinion on Charity Commission plans through an Online survey 31% (309)	Twitter 6% (58)
	Online workshops to explain charity registration and how to report to the Commission 21% (210)	Hybrid meetings 6% (55)

The Commission will take time to consider these responses. Like other organisations the Commission has found that in surveys people request face to face online or hybrid events, and yet, as the experience of this consultation shows, this is not always reflected in actual behaviour. This may be due to the changes brought about by the pandemic which may not have settled into a new normal yet.

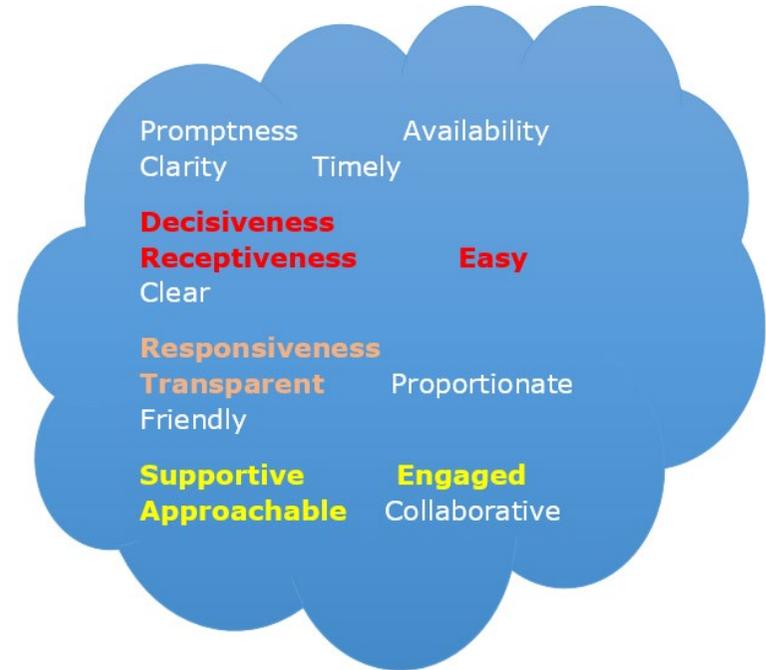
It is perhaps less surprising that those who completed an online questionnaire most prefer online methods. The Commission understands that this is not necessarily true for engagement with all groups especially those that are smaller and volunteer led.

As part of the consultation, we asked respondents to use three words to describe good and poor engagement with the Commission. Figure 4 below has created word clouds from the feedback we received.

Poor engagement:



Good engagement:



Section 7: Can these plans provide better equality outcomes?

As part of the consultation, we asked how the strategic plan and engagement strategy could result in better equality outcomes for all.

7.1 What you told us

A small number of people responded to these questions. They said:

- By giving equal weighting to both raising concerns about charities and the focus to become an enabling body as opposed to solely enforcing body.
- The introduction of the Charitable Incorporated Organisations (CIO) will help trustees of smaller charities to be assured that they have the protection of limited liability.
- The Commission should consider accessibility in all its communications. This impacts, for example, the choice of where events are hosted (both geographically, including outside of major hubs, and the accessibility of the buildings / venues), the languages and formats in which guidance is provided (such as providing documents in large font or in simplified language), and the navigability of the Commission's website (such as subtitling videos).
- The engagement strategy should recognise and welcome the expertise in the sector, and the sector as a partner to collaborate with. An approach that is truly collaborative will help achieve the Commission's aim of becoming an enabler, rather than a simple enforcer of regulations. In addition, the strategy will help enable charitable organisations to register and govern themselves better – ultimately enabling them to achieve their desired vision and mission.

7.2 What we will do

The Commission is currently carrying out a review of its Equality scheme and some of the suggestions here will be echoed in that.

The Commission also notes the reference to CIOs here. Likewise in other parts of the consultation reference was made to the proposed registration threshold.

In every consultation issues are raised which sit outside the consultation or beyond the power of the body carrying out the consultation. This is true of some of the responses to this consultation and this is likely to have arisen due to the very unusual context in which this consultation was conducted.

As already mentioned, this consultation was conducted during a time of significant change for charity regulation in Northern Ireland. The decision of the Minister to introduce a registration threshold, and the power within the Charities Act (Northern Ireland) 2022 to do so, along with the power to introduce CIOs, has undoubtedly raised expectations within sections of the charity sector. As a result there were several respondents who referred to the threshold in their feedback to the consultation. Some of this feedback is set out below:

- It's important to help organisations that don't want to be registered charities but fall within the definition of charity because of their governing document. The Commission should help to develop a constitution which would not require a charity to register as a charity.
- Members of another UK wide professional body reported its members had mixed views re threshold due to risk of money laundering and other fraudulent use of charities. Suggested the Commission should consider the pros and cons of thresholds particularly carefully.
- No mention of implementation of registration threshold in 25/26, in 2024/25 there is no plan for implementation of the threshold, this is not clear.
- At least once a month our legal firm receives a query about CIOs.

The Commission understands that the introduction of the threshold, CIOs and registration for s.167 charities are very important to the charity sector. As a delivery body the Commission can only implement what the legislation allows us to do. When new legislation is passed we will know better what our responsibilities are. Until then we will operate within the current legislation and support the department as it manages these priorities.

Heightened expectations can lead to a misunderstanding of the constraints within which the Commission operates. For example, one respondent suggested that there should be advice and support to not register if this is the best outcome for charities and groups. The Commission should be proactive in this area and highlight this as a valid choice for groups.

It must be noted that under current legislation and until that legislation is changed this is not a valid choice. The Commission cannot promote or encourage this.

Next steps

The consultation report will be published on the Commission's website when the Strategic plan has been approved by the Department for Communities. The participants listed below will be informed that the consultation report has been published.

Appendix 1: Respondents

Below is a list of organisations and individuals who responded to this comment phase. Note that several respondents chose to remain anonymous therefore their details are not listed below.

Chartered Governance and Institute UK & Ireland

Community Foundation NI

Tony Clarke – Professional adviser

The Erne District Chinese Families and Friends Association

Fundraising Regulator

NICVA & NI Sports Forum

Nexus NI

Open College Network NI (OCN NI)

Presbyterian Church in Ireland

RSPB NI

Ulster Society of Chartered Accountants, Charity Group

Volunteer Now.