



**Minutes of Board Meeting No. 54 held on Monday 19 September at 12 noon
At Lagan Valley Island Civic Centre, Lisburn**

Present:

Tom McGrath, Chief Commissioner
Steven Cockcroft, Commissioner (Legal)
Norman Bennett, Commissioner
Brenda Maitland, Commissioner
Seamus Magee, Commissioner

Apologies:

Geraldine Donaghy

In Attendance:

Frances McCandless, Chief Executive
Aubrey McCrory, Head of Corporate Services
Punam McGookin, Head of Charity Services
Myles McKeown, Head of Compliance and Enquiries
Jennifer Black, Administrative Officer

The Chair opened the meeting by welcoming everyone.

1. Minutes of Meeting 22 June 2016

Following discussion, the minutes of the meeting held on 22 June 2016 were agreed subject to minor amendment, as a true and correct record as proposed by Stephen Cockcroft, seconded by Seamus Magee.

AP 1: Board minutes to be amended and published on CCNI website

2. Conflicts of Interest

Legal Commissioner Steven Cockcroft declared that he has previously undertaken work in relation to Drumragh Integrated College and Co-ownership. No matters relating to these bodies were for discussion or decision, and the Chair indicated the Commissioner could continue to participate in the meeting. The Chair reminded the meeting that discussion was subject to FOI.

3. Chair's Business, Correspondence and Meetings

The Chair advised that the Deputy Commissioner, Walter Rader, had resigned to take up the new post of Discretionary Support Commissioner NI. The Chair recorded his thanks to Walter Rader for providing invaluable input

and assistance to the Board since 2009, and it was agreed Commissioners would arrange their own thank you event. A delay in recruiting a replacement Commissioner was anticipated in light of the Department's review. The Board discussed interim arrangements and agreed, following proposal by Norman Bennett and seconding by Seamus Magee, that the Audit & Risk Assurance committee quorum be temporarily reduced to two, with Brenda Maitland invited to attend as necessary. It was also agreed to extend enhanced security clearance to all Board members.

AP2: CEX to amend A&RA ctte Terms of Reference temporarily

The Chair noted recent letters of complaint concerning statutory enquiries and it was agreed to circulate correspondence to all Commissioners. Following discussion, it was agreed to develop a protocol for attending meetings and producing an agreed note, and to look again at complaint handling arrangements in light of experience.

It was agreed the recent launch of the Commission's Public Trust and Confidence research report in Stormont had gone well and thanks were expressed to all involved in the event.

AP3: CEX to circulate complaints correspondence to Commissioners

AP4: CEX to develop a protocol for attending meetings and producing an agreed note

AP5: Head of Corporate Services to arrange enhanced vetting for Commissioners

4. Chief Executive's Report

The Chief Executive introduced her report and updated the Board on the sponsor Department's further five year lease of the current office accommodation.

In relation to next year's funding the possibility of a voluntary exit scheme was highlighted, along with details of staff turnover and plans for a recruitment exercise to commence shortly. The Chair noted further advice from Counsel would be sought once the Court of Appeal's written judgement is received in relation to the Attorney General's challenge to the Tribunal's decision on Mr Allen (Person/Persons). Proposed Board meeting dates in 2017 are with the Chair and will be circulated shortly for agreement.

Details of recent events on fundraising self-regulation in Northern Ireland, at which the Chief Executive spoke, were discussed. Commissioners noted that, unlike England & Wales, new self regulation arrangements are still not in place here. Although consultation on the way forward is only beginning, some in the charity sector had already suggested that the Commission take on this role. It was noted that this would put fundraising matters on a statutory footing, unlike the rest of the UK, and that the Commission could not take on this role at current resourcing levels.

Changes in approach to governance of sponsor bodies by the Department for Communities were discussed. This included a new sign off process for the quarterly assurance statement involving the Chief Executive and now also the Chief Commissioner and the Audit & Risk Assurance committee. The Chief Executive indicated this required not only increased administration but also potentially changes to the sequence and timing of committee and board meetings. Details of the International Regulators' meeting in Canada in 2017 were highlighted and it was agreed the Board would take a view on Commission input at its next meeting.

AP5: Proposed Board meeting dates to be circulated and agreed

AP6: CEX to draft paper on International Regulators' Forum event in 2017

5. A&RA Committee

The Board noted the planned Audit & Risk Assurance meeting in September had been postponed as it was inquorate.

5a. Risk Register

The Committee Chair and Seamus Magee met on 15 September 2016 and reviewed the register being presented to Board, which had been updated following consideration by SMT. Increases in two risks were discussed and the register was agreed, as proposed by Norman Bennett and seconded by Brenda Maitland.

5b. NI Audit Office Report

The Board noted the NIAO Report to Those Charged with Governance which gave a clean audit for the second year running. No recommendations were made on the work of the Commission.

6. Monitoring & Compliance manuals

The Head of Compliance & Enquiries introduced the detailed manuals which followed the Board's approval of high level processes in June 2016. The Board discussed a number of key issues. These included processes to detect incorrect uploads by charities to the web based register, timing of financial year end reminders, and the level of checking of compliance referrals. The Board agreed the usefulness of reminders would be monitored to establish if a further email should be issued before 7 months. It also agreed the level of checking referrals was low, but these are dictated by available resources and not by the level the Board thinks appropriate. The Monitoring & Compliance Manuals were agreed, as proposed by Steven Cockcroft, and seconded by Seamus Magee.

AP7: Head of C&E to monitor the effectiveness of the 7 month reminder and report to the Board.

7. Capacity Review

The Chief Executive highlighted development of the review which the Board considered at its meeting in January 2016. Details of the six options were noted in terms of costs, outputs and risks. The Board agreed that options 3 to 6 would remove the ability of the Commission to credibly deliver its statutory obligations. In going forward it was suggested resourcing should be consolidated to do away with the need for in year bids which in the past had been vital to allow key work to progress. Following proposal by Norman Bennett and seconding by Brenda Maitland the Board agreed to recommend option 1 - Deliver a full compliance regime and populate the register at current rate. This provides the best reduction in strategic risks and a three year programme to progress the register and establish a strong compliance culture. The Commission would also be on a more sustainable footing to take forward any commencements and updates or changes to the legislation.

8. Annual Review of Scheme of Management and Board Responsibilities

The Chief Executive outlined details of the existing scheme. The Board reviewed and agreed, as proposed by Steven Cockcroft and seconded by Brenda Maitland, to amend the scheme to reflect the practice of producing lessons learnt reports, the Legal advisory group, the People strategy, periodic capacity reviews, and regular review of the complaints handling process.

AP8: CEX to amend the scheme of Management & Board responsibilities.

9. Open Data Plans

The Head of Corporate Services introduced the paper noting the context and existing Commission arrangements to allow public charity register information to be downloaded. During discussion of the role of charities in uploading information to the register, the risk was noted of inappropriate personal data or actionable statements being included. It was agreed to review the processes in place to enable any inappropriate material to be removed urgently. The Open Data Plans were agreed, as proposed by Seamus Magee, and seconded by Steven Cockcroft.

AP9: HCoS to review arrangements for removing inappropriate material from the register.

10. Six-monthly Review MSFM

The Board considered the Chief Executive's review of the Management Statement and Financial Memorandum (MSFM). The Chief Commissioner and Chair of the Audit & Risk Assurance committee advised they were content with the review and its finding that there had been no breach of the MSFM.

11. Quarter 1 Business Plan Report & Data Hub

The Head of Corporate Services introduced the report and Commissioners discussed the registration target and future plans, noting the potential impact

of changes in staff working on registration going forward. The Board recognised the work of staff across the Commission to date.

12. Budget

Update by Head of Corporate Services on spend to date noted.

13. Legal update

The update was noted, and the Board noted developments in the Republic of Ireland concerning a charity which also operates in Northern Ireland. The meeting discussed ongoing legal casework and liaison with the Attorney General's office.

14. Press clippings

Circulated previously. Noted.

15. Hospitality Register

Circulated previously. Noted.

16. Review of meeting

The Board were content with the new arrangements for issuing papers.

17. Issues for next meeting – 7 November 2016

It was noted the meeting would focus on HR issues.

18. AOB

None.

Register of Outstanding Action Points					
Board Meeting and Action Point Number	Date Raised	Agenda Item	Action	Owners	Status
54 (AP1)	19/9/2016	1	Board minutes to be amended and published on CCNI website	HCorpS	Complete
54 (AP2)	19/9/2016	3	Amend A&RA Ctte TOR to reflect temporary reduction in quorum	CEX	Complete
54 (AP3)	19/9/16	3	Circulate correspondence in relation to concerns/complaints to Commissioners	CEX	Complete
54 (AP4)	19/9/2016	3	Develop a protocol for attending meetings and producing an agreed note	CEX	Underway
54 (AP5)	19/9/2016	3	Arrange enhanced vetting for all Commissioners.	HCorpS	Underway
54 (AP6)	19/9/2016	4	Proposed Board meeting dates in 2017 to be circulated	Chair/ CEX	Underway
54 (AP7)	19/9/2016	4	Draft paper on Commission input to International Regulators forum event in 2017	CEX	Underway
53 (AP8)	19/9/2016	6	Monitor and review 7 month reminders and report to Board	HM&C	Underway
53 (AP9)	19/9/16	8	Amend Scheme of Management and Board Responsibilities	CEX	Complete
53 (AP10)	19/9/16	9	Review arrangements for removing inappropriate material from the website register	HCoS	Underway

53 (AP)	22/6/16	6	Task & Finish group to meet and review register in light of emerging risk of reputational damage and harm to staff by vexatious complaints and statements		Underway
49(3)	17/12/15	CEX's Report	Chief Commissioner to draft agenda for board meeting with CRA	Chief Comm	Underway