

The Chartered Governance Institute UK & Ireland

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Charity Commission for Northern Ireland Marlborough House Craigavon Northern Ireland BT64 0FF

By email: consult@charitycommissionni.org.uk

6 February 2023

Dear Sirs / Mesdames,

Setting the Charity Commission for Northern Ireland's new strategic agenda and engagement strategy

We welcome the opportunity to comment on the commission's consultation on its new strategic agenda and engagement strategy.

The Chartered Governance Institute UK & Ireland is the professional body for governance and the qualifying and membership body for governance professionals across all sectors. Its purpose under Royal Charter is to lead 'effective governance and efficient administration of commerce, industry and public affairs' working with regulators and policy makers to champion high standards of governance and providing qualifications, training and guidance. As a lifelong learning partner, the Institute helps governance professionals to achieve their professional goals, providing recognition, community and the voice of its membership.

One of nine divisions of the global Chartered Governance Institute, which was established 130 years ago, The Chartered Governance Institute UK & Ireland represents members working and studying in the UK and Ireland and in many other countries and regions including the Caribbean, parts of Africa and the Middle East.

As the professional body that qualifies Chartered Secretaries and Chartered Governance Professionals, which includes company secretaries, our members have a uniquely privileged role in charities' governance arrangements. They are therefore well placed to understand the issues raised by this consultation document. In preparing our response we have consulted, amongst others, with members from the charity sector in Northern Ireland. However, the views expressed in this response are not necessarily those of any individual members, nor of the charities they represent. Our views on the questions asked in your consultation paper are set out below.



General comments

Overall, the Chartered Governance Institute UK & Ireland (henceforth the Institute) is in agreement with the proposals outlined under both the strategic agenda and the engagement strategy. The Institute welcomes the Commission's careful consideration of both its internal priorities and its external communications. Combined, this is an important step in setting the Commission's path over the next three years, and in guaranteeing its ability to fully function in both regulating and enabling the charity sector in Northern Ireland.

The strategic agenda is clear in its mission and values, which are helpful insofar as they provide guiding principles both for internal activity within the Commission and for external engagement. Similarly, the Institute's members have – overall – welcomed the priorities set, and feel that these will make a tangible difference to how charities are run and regulated once delivered. In particular, members were keen to see the introduction of CIOs, and updates to the Commission's website. However, there were also several areas where members felt that the strategic agenda did not go far enough. They highlighted a continued need for new guidance (rather than simply reviewing existing guidance), and for increased feedback from the Commission on charities' accounts. One area of particular concern was the potential introduction of registration thresholds, which divided opinion amongst the Institute's members. Additionally, the vision that the Commission has outlined is perhaps more suited to an overall vision for the charity sector, rather than a vision which is specific to the Commission as regulator. Finally, the Institute would suggest that the principle of proportionality be added to the Commission's values. The Commission's regulation, action and demands on the sector should at all times be proportionate, and it should provide clear explanations for its decisions in order to be a truly enabling regulator.

The Commission's engagement plan strikes a good balance between strategy and implementation, with the aims and the means clearly laid out for the most part. The Institute's members have indicated that the Commission has historically felt rather absent, or even 'faceless', and the engagement strategy shows a clear desire to redress this. In particular, face-to-face events, training sessions and roadshows will enable those working in charities to equip themselves. The strategy also demonstrates an intention to listen to the sector and to solicit feedback, which is positive, although members of the Institute highlighted that listening must then result in action from the Commission. The Commission should to provide justification as to why it collects certain information and what it uses it for. It could go further to communicate useful insights based upon this information for the benefit of the sector, for example around emerging trends and sector-wide risks. There are also certain areas where the engagement strategy could benefit from increased granularity, particularly with regards to how the Commission intends to garner the voices of those who come from underrepresented backgrounds.

Fuller responses to the specific questions asked in the Consultation document follow.



Setting the Charity Commission for Northern Ireland's new strategic agenda

Vision

A new overall ambition has been identified:

Well run and trusted charities making a difference in peoples' lives

Do you agree with the Commission's new vision?	
Yes	No

Why do you say that?

This vision reflects several important elements of the charitable sector: purpose, impact, transparency and good leadership and we agree with its overall direction, but it does not, in our view, fully reflect the object set out in the introduction to the consultation document.

On the one hand, it is particularly encouraging to see the emphasis on 'well-run' charities, which hints at the importance of good governance and management.

However, the vision focuses more on the charities and their beneficiaries than it does on the Commission. It is the charities' role to make a difference and, as the regulator, it is the Commission's job to enable charities to perform in this way.

The vision, as it currently stands, focuses rather more on the ways in which charities should perform, rather than how the Commission should perform. It is, therefore, more a vision for the charity sector in Northern Ireland than a vision for the Charity Commission for Northern Ireland.

Are there any suggestions you would make to develop this further?

This vision should include 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.

Mission

Our new mission is:

enabling charities to do things right through proportionate regulation, best practice and advice

Do you agree with Commission's new mission?			
Yes	No		
Why do you say that?			
the principles-based approach seen from of	ssion far better than the vision does and is in line with ther regulators. It covers the key ways in which the rt the sector, and is a succinct summary of the		
Are there any suggestions you would make to further develop this?			
No – we think this is a good mission statem	nent.		



Values & Enabling Behaviours

interactions with the Commission.

Do you agree with the values and enabling behaviours the Commission has set out?		
Yes	No	
Why do you say that?		

These values are well in line with most organisational values and behaviours, and focus on the matters of interest for those in the sector. They strike a good balance between being internal- and external-facing, providing both an internal impetus for improvement and a drive to engage outwardly. For example, the value of 'independence' is essential for the Commission to fulfil its role, whilst the behaviours listed under 'accessible' are particularly important for organisations'

Are there any comments or suggestions you would make to further develop these values & enabling behaviours?

One value which is not mentioned, which is of concern to members of the Chartered Governance Institute, is that of proportionality. The Commission must ensure that its regulation, actions and demands on the sector are proportionate – and that it provides clear rationale for its decisions, including explanations of how these should benefit the sector. Whilst proportionality is listed under Priorities, it should also be an overarching value which guides the Commission's decisions.

Priorities

Filorities	
Do you agree with the main priorities the	Commission has set out?
Yes	No
\boxtimes	
Why do you say that?	
into delivery aims below. In addition, the Commission should indicate	e how its approach adds value to the charity sector, so provide evidence to external stakeholders as to how which could fall under priority 4.
Are there any other comments or suggestits statutory objectives and deliver the R	stions you would make to help the Commission fulfil
•	ey findings of the Review. In particular, they support completing the Charity Register, the underpinning tion of CIOs.



Key delivery aims under each priority

1: Progressing charity registration to enhance accountability.

Do you agree with what the Commission has set out in terms of progressing charity registration to enhance accountability?				
Yes	No			
Why do you say that?				
	streamlined application system and this will have a nisations where time and resources are scarce.			
Certain members would welcome such a	The issue of registration thresholds has been met with differing views from amongst our members. Certain members would welcome such a threshold, as it would reduce the administrative burden on the smallest organisations. It is also in keeping with the approach of the Charity Commission for England and Wales.			
Other members felt that this would be less appropriate in the Northern Irish context where, they tell us, some smaller charities may have been used as conduits for the interests of groups which were involved in the Troubles. As such, they feel that it is important that these organisations are formally registered and under the Commission's purview. They also point to the risk that, under a threshold system and without the need for registration or reporting, a minority of smaller organisations may make illicit use of charitable tax exemptions for money laundering purposes.				
In these circumstances, we believe that the Commission should consider the pro's and con's of thresholds particularly carefully.				
Are there any other comments or suggestions you would make to help the Commission develop in this area?				
None.				

2: Progressing our development as an enabling regulator.

Do you agree with the main goals the Coenabling regulator?	ommission has set out in terms of developing as an
Yes	No
\boxtimes	
Why do you say that?	
This set of goals contains a blend of both of to compliance.	bjectives relating to communications and those relating
feels less cohesive than some others, which	ial if achieved. That being said, this group of objectives the is perhaps a function of the 'enabling' and the er. This may have an impact on the ways in which these
•	te and it is positive that the Commission is prioritising this bsite contains lots of useful guidance, but can be difficult



to navigate, particularly for Trustees who may not spend much time on it. The focus should be on making it accessible and easily navigable.

The Commission is right to review its internal review procedures and should ensure that there are strong feedback mechanisms in place. Offering in-person roadshows and Trustee training are both good means of increasing compliance and supporting good governance in the sector and, as such, should receive adequate attention and funding. Additionally, the Commission's objective of sharing learnings from compliance cases and concerns will greatly benefit organisations of all sizes.

There should also be an emphasis on producing new guidance where necessary, alongside the existing objective of reviewing existing guidance. It is important for charities in Northern Ireland to be able to access guidance which is specific to NI legislation, rather than having to rely on guidance produced by the Charity Commission for England and Wales or elsewhere.

Our members will welcome increased feedback on their charities' accounts and reports. Ideally, the Commission should aim to review larger volumes of accounts, which will both benefit the individual organisations who can amend their practices to ensure compliance and allow the Commission to identify particular problem areas which cause issues for several charities, and to amend these requirements or provide further guidance accordingly. Trustees may not always have significant experience in accounting and reporting standards and may not realise when there are non-compliant elements in their reports, but constructive feedback will enable them to improve on this front.

What does an enabling regulator look like to you?

Our members believe that an enabling regulator should have the following traits:

- Personal and approachable
- Trustees should feel they can contact the Commission without fear or blame
- Strikes the right balance between enforcing and guiding and offers guidance to allow charities to make the changes it requires
- Aware of the diversity of the sector and the organisations within it and factors this into its regulation
- Considers the reputation of the sector, and the impact that its decisions have on public trust and confidence in the sector
- Acts independently, beyond politics
- Is mindful of risks to the sector, and of the proportionate management of risk within individual organisations

Are there any other comments or suggestions you would make to help the Commission develop in this area?

See above.

How could the Commission increase collaboration with the charity sector and its supporters and funders in terms of developing further as an enabling regulator?

Our members have expressed a desire for more 'face-to-face' contact with the regulator. They would like to see more engagement through forums and stakeholder groups relating to particular themes or sub-sections of the sector. Some members felt that communication with the Commission seems one-sided and that the Commission does not necessarily make full use of some of the stakeholder groups available to it, such as the helper groups. Rather than simply 'broadcasting' its messages, the Commission could work to improve its 'listening' mechanisms.

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.



3: Continuing to develop proportionate regulation

Do you agree with the main goals the Commission has set out in terms of delivering proportionate regulation?		
Yes	No	

Why do you say that?

The Commission should continue to develop proportionate regulation. The Commission must always be mindful of the diversity of the sector and the differing sizes and scales of the organisations to which it applies. To take the example of annual returns, what is material for one charity may not be for another. Overly cautious charities may be tempted to over-report, thus increasing their administrative burden, whilst others may under-report and not fulfil their regulatory duties. To combat this, the Commission must continue to provide clear guidance to accompany its regulation, and consider the impact on charities of all sizes.

Members of the Chartered Governance Institute appreciate that the Commission does not have the necessary resources to investigate every concern raised, and so the quality of the Risk Assessment Framework will be critical in determining how decisions are made about which investigations to pursue.

Are there any other comments or suggestions you would make to help the Commission develop further in this area?

In cases where the Commission decides not to investigate a complaint that has been raised about a charity, this has the potential to undermine its authority as a regulator in the eyes of those who have raised a complaint. Whilst the Commission will have several reasons for this decision, it is important that those who raised the complaint feel that they have been heard and that their feedback is taken seriously. As such, the Commission could point them in the direction of relevant guidance and helper groups, which may aid them in resolving the difficulty.

In the medium-term, members of the Chartered Governance Institute would like to see more efforts from the Commission to highlight the information about charities which is available to funders, and particularly to statutory bodies. Currently, there is a considerable amount of statutory duplication, where charities report on risk and controls both to the Commission and to funders (both potential and existing). Increased awareness amongst funders of the audit and independent inspection processes required through the Commission would reduce the need for duplication.

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. Including a rating system which looks only at timeliness could have the potential to mislead the public who are not familiar with it, and lead them to believe that the rating is a reflection of the compliance and quality of the charity's report. 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'.



	4:	Op	erating	as	an	effective	and	efficient	public	body
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Why do you say that? We are pleased that the Commission will be operating within the new decision-making framework, which will allow it to fully function as a regulator. This should be expedited in order for Commission staff to return to making decisions on routine work. The introduction of CIOs has been welcomed by our members, who are keen to see an increase in the flexibility of options available to charities which are looking to incorporate. Are there any other comments or suggestions you would make to help the Commission develop these goals further? None With a finite budget, what areas of activity should the Commission be prepared to reprioritise or stop altogether? Ideally, the Department should provide adequate levels of resourcing in order that the Commission and fulfil its function as an effective regulator. Whilst the compliance and regulatory functions of the Commission are perhaps the most fundamental, these must be supported by increased engagement with and guidance for the sector. How could this strategic plan result in better equality outcomes for all? No comment Are there any additional comments you would like to make? None Questions about you: Rey ou providing this response as an individual or on behalf of an organisation? Individual Organisation Other If Other, please specify: Professional body Are you providing this response as an individual or on behalf of an organisation? If Other, please specify: Professional body Are you happy to be listed as having provided input to the Commission's strategic plan? Yes No	Do you agree with the main goals the Commission has set out in terms of operating as an effective and efficient public body?							
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Developing the Charity Commission for Northern Ireland's new Engagement strategy.

Introduction

Do you agree with the aim of the Comm				
Yes	No			
Why do you say that?				
been particularly engaged with the charity of Commission's engagement strategy and the seeking the sector's views. In particular, the	of our members that the Commission has, historically, not sector. As such, they welcome the aims of the lat the Commission will take a more proactive approach in ey noted the importance of these efforts being extended to a terms of equality characteristics and in terms of the			
Are there other aims which, in your view	v, the Commission should include?			
Yes	No			
Why do you say that?				
Who are our key stakeholders? Do you agree with this list of stakeholders.				
Yes	No			
Why do you say that?				
This list of stakeholders appears to be comprehensive. The Commission should consider how its own communications will be received by each of these stakeholders, as well as considering the mechanisms in place for gathering the views of each of these stakeholders in order to get the fullest possible picture of the sector. The way in which stakeholders have been grouped seems logical overall (e.g. charity representatives, other regulators, academia and government). However, it may be worth breaking out these groups into smaller sub-groups, or considering where different groups fit in order of priority, noting that this may differ for different issues.				
Are there any stakeholders you think we	e should add to this list?			
The Developing Governance Group				
What values and behaviours will underpin our engagement? Do you agree with the values and enabling behaviours the Commission has set out?				
Yes	No			
Why do you say that? These values and enabling behaviours are in keeping with many organisational values. Are there any comments or suggestions you would make to further develop these values and				
enabling behaviours? None				



How will we engage?

Do you agree with the Commission's ap	proach to engagement?		
Yes	No		
Why do you say that?			
It is 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. That being said, there must be a commitment to 'listen' and not simply to 'consult'. Listening would mean that the Commission takes note of what the sector suggests and either acts upon that information, or can give an explanation as to why it has chosen not to act.			

Are there any other approaches to engagement which you think the Commission should include in its strategy?				
Yes	No			
Why do you say that?				

Some of our members feel that the Commission could do more to increase the amount of personal contact that charities have with the regulator. Whilst this depends greatly on resourcing, one suggestion is that there could be an assigned point of contact for each type of charity. Currently, members feel that engagement with the Commission feels 'faceless'. Other members have also indicated that the Commission could work more closely with its helper groups and stakeholder forums. A third point raised by our members is that communications from the Commission, and in particular technical guidance, should focus more on what the guidance is trying to achieve in order to make it more accessible to trustees. Finally, members stated that the Commission's website is difficult to navigate, and could benefit from a structural update, as well as cosmetic updates such as including more visuals.

In the past the Commission has used various methods to engage with stakeholders. New ways have also been developed during the pandemic. Looking at the list below which of these would be your preferred method of engagement with the Commission?

Our members believe that the preferred method of engagement will depend on the subject matter at hand; some will be appropriate for some, others for others. Generally, we believe that face to face meetings and events and written consultations are more appropriate than the use of social media.

Are there other methods the Commission should use to engage?				
Yes	No			
\boxtimes				
Why do you say that?				
training on relevant topics. M	nstitute welcomes initiatives such as workshops and the provision of ethods of engagement such as 'Meet the regulator' events and ceptions of the Commission as 'faceless'.			
	gly consults and listens to the sector, it should use the information le insight about emerging issues which are affecting charities and perhaps as a newsletter			



Thinking of key points of engagement with the Commission what are the main frustrations for stakeholders? Can you identify any solutions?

We had no feedback from members on this question.

_	In your experience, what three words would describe good engagement with the Commission?			
1	Receptiveness / responsiveness			
2	Clarity / explaining the Commission's rationale			
3	Taking timely action			

In your experience, what three words would describe poor engagement with the Commission?			
1	Facelessness		
2	Burdensome (in terms of time taken / methods available)		
3	Accusatory		

What are your views on the overall engagement strategy?

Overall, the Institute is pleased to see that the Commission has carefully considered how it communicates with its stakeholders, and we agree with the main objectives and means of the strategy.

The priorities for the Commission in its engagement going forward should be increasing contact with the sector, and in particular with marginalised groups, and providing the sector with insight based on the evidence and information it collects.

The Commission's identified stakeholders all have differing needs, and the Commission should consider how it will prioritise and balance these needs, and where the greatest resource for communications activity will be required. Where possible, communications should be tailored for different stakeholder groups to make them as accessible as possible. Ideally, communications should be presented in a way which enables the recipients to inform themselves and take any necessary action as quickly and straightforwardly as possible.

What impact do you think this strategy, if implemented, will have on the charity sectors experience of the Commission as an enabling regulator?	
Greatly increase experience of Commission as an enabling regulator.	
Somewhat increase experience of Commission as an enabling regulator.	\boxtimes
Neither increase nor decrease experience of Commission as an enabling regulator.	
Somewhat reduce experience of Commission as an enabling regulator.	
Greatly reduce experience of Commission as an enabling regulator.	

How could this engagement strategy result in better equality outcomes for all?

The Institute welcomes the Commission's intention to reach out to a variety of audiences with its new engagement strategy, as is stated in the introduction to this strategy. Underrepresented voices should be privileged and the Commission must seek the views of those who have been historically overlooked, be that due to the nine equality characteristics or due to the size and location of their organisations.



However, the Institute feels that there is not yet a clear means of implementing this aim. In order for this aim to be realised and for it to move beyond an intention into a reality, the Commission must consider the specifics of how it will act to source the opinions and voices of those who have been underrepresented.

As a part of this, 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).

How we will monitor the implementation of the strategy

Please rate the extent to which you agree or disagree with how the Commission intends to monitor and report on the engagement strategy.						
Strongly	Agree	Neither agree	Disagree	Strongly disagree		
agree		nor disagree				
	\boxtimes					
Why do you say that?						

It is not clear how the Commission intends to solicit or to analyse feedback, or what type or depth of feedback this will be, and whether this will place undue pressure on the Commission's resources. Whilst monitoring the outcomes of the engagement strategy is very important, it must not divert from the implementation of the strategy.

That being said, it is positive that there will be mechanisms in place for discussing the conclusions of this monitoring and the learnings from it at a high level, for example that the Board of Commissioners will receive reports every six months.

As the Commission's engagement evolves, there should be a culture of permanent monitoring, review and improvement.

Evaluation & Review

Please rate the extent to which you agree or disagree with how the Commission intends to review and evaluate the engagement strategy.					
Strongly	Strongly Agree		Disagree	Strongly disagree	
agree		nor disagree			

Why do you say that?

A review every two years will enable the Commission to understand where the engagement strategy is successful and where it requires improvement. As it stands, this idea of an evaluation seems more of an ambition than an actionable plan about how evaluation may be carried out – although this will likely become clearer as the engagement strategy is implemented. It may be beneficial to provide a definition of examples of what the Commission feels that 'improved engagement' means and looks like in practical terms. Will this be measured through the frequency or quality of interactions?



Questions about you:

Are you pr	oviding this re	sponse as ar	n individ	dual or c	on benait o	r an organisation?	
Individual Organisation		n		Other			
If Other, ple	ease specify:						
How would	d you describe	your role?					
Charity	Charity	Charity		Funde	r/Donor	Professional	Other
trustee	employee	volunte	er			adviser	
							\boxtimes
If Other, ple	ease specify: F	Professional b	ody				
Are you ha	ppy to be listed	d as having p	rovided	d input t	o the Com	mission's strategio	c plan?
Yes			No				
\boxtimes							
Name of yo	ur organisation:	The Charter	ed Gove	ernance	Institute U	K & Ireland	
Are you ha	ppy to have yo	ur comments	s attribu	ıted?			
Yes No							
If you would	l like to be adde	d to our stake	holder d	database	for use in t	updates and future r	esearch,
	ide your details	below:					
Name			Emily Ford				
Organisation			Chartered Governance Institute UK & Ireland				
Role			Policy Adviser				
Email			eford@cgi.org.uk				
Any accessibility requirements.				None			

If you would like to discuss any of the above comments in further detail, please contact me.

Yours faithfully,

Emily Ford

Policy Adviser

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