

Business Plan 2021/22

Agreed by Board 22/03/21 Updated Board 27/09/21

Foreword

This 2021/22 Business Plan covers the second year of the Commission's strategic agenda for 2020 to 2023. It reflects the 'revised' strategic agenda set out for this period by the Board and addresses issues resulting from the Court of Appeal judgment (February 2020) regarding delegation of decision making by the Commission and the COVID-19 pandemic response.

The plan also takes into account a number of external and internal strategic initiatives which will shape and influence the future charity regulatory environment. There will also be the need to respond as an organistion to developments in the government's lockdown and vaccination response to the pandemic as set out in Moving Forward: The Executive's Pathway Out of Restrictions¹.

The plan has been structured flexibly to enable the Commission to respond to the outcomes of the Communities Minister's review of charity regulation, which will not be known until later in the year. Legislative amendments are also anticipated within this plan.

Significantly, this year will see the Commission launch its stakeholder forum. This is intended to further strengthen links with the charity sector and deepen engagement. The year will also see finalisation of work on a review of early statutory inquiries.

All the while the Commission aims to continue to build the charity register, albeit at a decreased rate, reflecting the adoption of new decision-making processes required as a result of delegation arrangements.

In taking the plan forward the Board and Commission staff are committed to developing engagement with the sector and working together with all our stakeholders so the Commission's overall vision for the sector is realised post pandemic.

Chair Chief Executive

¹ executives-pathway-out-of-restrictions.pdf (executiveoffice-ni.gov.uk)

Executive summary

Section 1 sets out an introduction to the Commission and its statutory objectives.

Section 2 outlines the Commission's Strategic Vision, Purpose and Values.

Section 3 of the document sets out a number of risks relevant to planning assumptions for the next financial year and beyond. These will be kept under review in terms of developing a corporate risk register for 2021/22.

Section 4 details the range of external and internal business results and key performance indicators (KPIs) for 2021/22. These are based on sponsor department providing a £1,988k resource budget. The key performance indicators include continuing to build the charity register by processing 360 (+/-10%) cases to decision by year end and assess up to a maximum of 100 cases of organisations that have closed before being called forward to register.

Section 5 of the plan 'Delivery and Measures' sets out a range of actions that will be progressed in the course of business to deliver the strategic aims and performance levels. As the outcome of the Review of Charity Regulation will not be known until partway through the year, the plan is designed to enable the Commission to respond flexibly. The focus will be on those actions in plan text which are seen as 'Musts'; those shared in grey are 'Shoulds' and may not be progressed in response to other priorities and work pressures.

Section 6 outlines the initial resource budget and assumptions.

1.0 Introduction

- 1.1 The Charity Commission for Northern Ireland's purpose is to register, regulate and report on the charity sector in Northern Ireland. The Commission is a non-Departmental Public Body (NDPB), established by Royal Assent to deliver the statutory provisions of the Charities Act (Northern Ireland) 2008, "the Act". We are sponsored by the Department for Communities (DfC), with a board of up to seven Commissioners, who are normally appointed by the departmental Minister.
- 1.2 As an NDPB the Commission is independent in its decision making, acting without fear or favour, in the public interest. Various decisions of the Commission are appealable to the Charity Tribunal or the courts. The Commission welcomes the opportunity to test and clarify charity law as opportunities arise.
- 1.3 The Commission has five statutory objectives under the Act:
 - to increase public trust and confidence in charities.
 - to promote awareness and understanding of the operation of the public benefit requirement.
 - to promote compliance by charity trustees with their legal obligations in exercising control and management of the administration of their charities.
 - to promote the effective use of charitable resources.
 - to enhance the accountability of charities to donors, beneficiaries and the general public.

2.0 Commission Vision, Purpose and Values

2.1 The Commission's Vision is:

'A dynamic and well governed charities sector in which the public has confidence, underpinned by the Charity Commission for Northern Ireland's effective delivery of its regulatory role.'

2.2 Our Purpose is:

'to register, regulate and report on the charity sector in Northern Ireland.'

2.3 The Commission works with its various stakeholders and provides services which reflect our Corporate Values of being:

`Independent, Accountable, Proportionate, Impartial, Transparent, Consistent, Respectful.'

3.0 Strategic Themes and Risk Framework for 2021/22

- 3.1 The Commission's 2020/23 strategic plan details the organisation's strategic themes and priorities for the period of this business plan as:
 - Progressing charity registration and casework to enhance accountability.
 - Developing compliance regarding the use of charitable resources
 - Demonstrating the public benefit arising from charitable giving and activities.
 - Developing as a properly governed, transparent and independent decision making body.
- 3.2 The Commission's corporate risk framework includes a range of issues which could impact on our ability to act as a regulator. While implementing this business plan it is likely that risks related to the following headings will need to be managed by the Commission, with liaison with DfC on all issues:
 - The outworking of the February 2020 Court of Appeal could lead to damage to public confidence in the Commission and to additional litigation, reduction in compliance behaviours by charities, and could require a restructuring of the Commission and its decision-making processes and systems, temporarily reducing our regulatory impact.
 - 2) The resilience of current Information & Communication Technology (ICT) systems and mix of suppliers could lead the Commission to be unable to deliver front line systems that could damage customer relations, cause reputational damage and hinder effective regulation.
 - 3) Challenges in managing resources, including people, premises and finances, could lead to reduced quality or levels of service and reputational damage
 - 4) The Transformation project may not be as effective as anticipated because of unintended consequences and fundamental reworking of decision-making processes, which could result in some charities being able to evade regulation across registration, monitoring and compliance, and enquiries work.
 - 5) Uncertainty regarding the outcomes of the Ministerial review, legislative amendment and review by independent counsel could lead to lack of progress in the transformation of services, require major change to decision-making processes or Commission structures and reduce regulatory outcomes.
 - 6) External factors such as coronavirus could impact on service in a way that was not anticipated, leading to reduced service capacity and increased stress on staff.

4.0 Business Results and Key Performance Indicators for 2021/22

- 4.1 The Commission aims to achieve a range of business results and key performance indicators (KPIs) in 2021/22. These are based on a level of resourcing from sponsor department of £1,988k resource (£1,671k baseline and £317k in year funding. The latter was originally to address emerging strategic safeguarding risks in the charity sector through additional capacity to register charities working with vulnerable people, investigate concerns involving safeguarding issues and monitor safeguarding practices in the sector, but has also been used to fund decision making processes put in place following the Court of Appeal judgment.
- 4.1 The key performance indicators which will be reported quarterly are:

External KPIs

- continue to build the charity register by processing 360 (+/-10%)
 cases to decision by year end (based on an assumption of receiving
 the requisite number of complete applications);
- process 60% of registration applications to decision within six months of receiving a 'complete' application;
- assess 60% of cases of organisations that have closed before being called forward to register up to a maximum of 100.
- 60% of enquiry cases concluded within nine months of receipt of concern.

Internal KPIs

- manage the organisation within 1% budget;
- manage staff sickness absence within 3%; and
- pay 90% of suppliers within 10 days.
- 4.3 The decrease in the registration target in 2020/21 reflects the adoption of new decision-making processes required as a result of the outcome of the Court of Appeal case. At the start of 2021/22 there are in the region of 132 open registration applications and 65 casework applications, and 82 open enquiries ongoing.
- 4.4 This plan also details key priorities that will be progressed to deliver the four strategic themes during 2021/22. The plan does not detail the significant range of regular and routine work involved in operating as a public body that is carried out by the Commission, particularly in relation to the Commission operating as a public body and its own governance. The actions needed to deliver the strategic themes and priorities and service-related measures are set out below.
- 4.5 In addition, to maintain a focus on continuous improvement, the Commission will work with sponsor department on any additional resourcing that becomes available during the year that will enable improved delivery of service and output levels.

Actions and Measures

Strategic Aim 1 - Progressing charity registration and casework to enhance accountability.	Actions needed	Performance measures and information
We will increase charity transparency by progressing the definitive public list of Northern Ireland charities by: a) continuing to build the register through redesigning registration procedures to speed up processes and using risk to prioritise	 Give effect to Transformation project Phase II by expanding the types of refusals which the casework manager can review, thus reducing referrals to legal and speeding up recommendations being brought to Schedule 1 committee² Continue to build the register by bringing registration recommendations to Schedule 1 Committee Complete all registration materials with new Online Application for Registration (OLAR) questions and publish for use. Develop and implement pre-recorded online workshop for organisations called forward to register. 	 We publish performance information in our annual report on Number of recommendations for, and decisions on, Registration made by the Commission (target n= 360 (+/-10%). 60% Registration applications processed to decision within six months of receiving a 'complete' application. Number of new applications for charitable status received. Number of new Expressions of Intent received. Number of users accessing prerecorded online workshop Publication of half-yearly regulatory snap shot and infographic
b) Altering policies and procedures in response to potential legislative developments.	 Explore potential impact and changes to manuals and guidance, materials arising from any Ministerial decision on a legislative approach to the Court of Appeal decision. 	We publish performance information in our annual report on impacts and changes.

² Schedule 1 is a committee which takes a range of regulatory decisions see <u>Schedule 1 decision-making committee terms of reference | The Charity Commission for Northern Ireland (charity commission ioni.org.uk)</u>

c) Rebalancing resources between registration and casework.	 Focus on older/complex casework, including communicating with applicants to facilitate the effective operation of charities. Seek external legal advice on novel complex casework to aid progression. Progress the development and implement new intuitive casework forms to direct charities to the relevant casework processes and procedures for application. Support an increase in Casework Officers' knowledge on complex casework areas through additional training and legal advice. 	50% reduction in the number of 'cases older than 12 months' at the start of the year. We will publish information in our annual report on the scale of charitable assets able to be used effectively as a result of casework decisions where available.
d) Publishing information from charities and statutory decisions the Commission has made about them in line with our publication policy	 Continue to publish information to give details of statutory decisions made by the Commission in line with our publishing decisions policy. Maintain an archive of published decisions which were previously accessible on the website. 	 We publish information in our annual report on Frequency of web hits on charity register page Frequency of accessing charity on line services by charities.
e) Working with the Department for Communities on reviewing charity legislation.	 Responding to impact/queries and proposals from DfC arising from any Ministerial decisions regarding legislative amendment. Input into the legislative review of the Charities Act (Northern Ireland) 2008 by DfC and in particular work in partnership on the drafting of explanatory guidance to support the drafting of the legislation. 	We publish performance information in our annual report on impacts and input to any legislative review.

Strategic Aim 2 - Developing compliance regarding the use of charitable resources	Actions	Performance measures and information
Priority - we will support compliance by charity trustees with their legal obligations and address non-compliance by: a) Improving annual return process including automating checking, process review and preparation for operating risk based checking	 Give effect to Transformation project Phase II by updating monitoring & compliance policies, procedures and guidance to reflect new transformed processes. Launch the online Annual Monitoring Return (AMR) form. Progress review of AMR materials. Sharing relevant experiences with UK and Ireland charity regulators. Continue to contribute to the development of the new Charity SORP through the Charities SORP Committee and engagement with partners and via our role in the charities SORP-making authority. 	 We will publish information in the annual report on: 50% of Annual Monitoring Returns due to the Commission from charities unaffected by the legal judgment subject to basic compliance check. % of charities who failed to submit their accounts on time and marked on register as in default. Number of concerns about charity accounts. No of annual monitoring returns received by the Commission voluntarily by charities affected by the judgment and not legally required to submit a return.
b) Preparing to refocus on non- submission of annual reports and accounts in response to outworking of Court of Appeal judgment (Feb 2020) and/or any legislative amendment.	 Ongoing review and updating of suite of accounting and reporting guidance and FAQs Carry out a public communications programme to encourage better compliance. Interact directly with charity trustees on the obligations in place as a result of any legislative amendment 	We will publish, to website, updates on the extent and impact of any legislative amendment in relation to annual reporting.

c)	Altering our enquiries	•	Scope required changes to IT systems arising from any Ministerial decision on a legislative approach to the Court of Appeal decision. Develop enquiries procedures to focus resources on	We publish performance information
	procedures to ensure continued compliance with the Court of Appeal judgment (Feb 2020) and any legislative amendment.	•	where regulatory action is most appropriate in the circumstances of specific concerns. We will launch a smart form for notification of concerns, Serious Incident Reports (SIRs) and Matters of Material concern (MOMs) to the Commission.	in our annual report on impacts and changes.
d)	Applying proportionality criteria and risk framework to ensure prioritisation of enquiries resources towards only most serious cases	•	Timely action will be taken to remedy issues identified in charities to include bringing enquiries recommendations to Sch.1 Committee, where appropriate.	KPIs: •% of concerns received about charities have an initial enquiry risk assessment within 30 days (Target 80%) •% of enquiry cases concluded within 12 months of receipt of concern (target 60%) •% of enquiry cases older than 12 months processed to closure.
				 We will publish information in our annual report on Our risk-based approach to regulation. Number of concerns received / enquiries opened/closed. Number of recommendations brought to Sch.1 Committee Number of instances self-regulatory and regulatory guidance issued Number of orders & directions

e) Addressing new risk issues emerging from the Covid-19 emergency within charities by undertaking targeted interventions such as thematic reviews.	 Develop a centralised mechanism to monitor SIRs, MOMs, concerns, closures and queries to identify new COVID-19 related issues. Review guidance and FAQs relevant to COVID-19 related issues. 	issued Number of statutory inquiries opened We will publish information on risk patterns and trends identified.
f) Expanding procedures in relation to charity closures to ensure appropriate distribution of charitable assets.	 Develop procedures for post-registration closures Develop Smart Closures Form Review and validate the cessation of charitable activity on closure cases where they closed prior to registering with the Commission. Trial in-depth checks and verification on the disposal of a sample of charity closure cases. Give effect to Transformation project Phase II by updating policies, procedures and guidance in relation to closures to reflect new transformed processes. 	We will publish information in our annual report on: • % of pre-reg closure cases assessed by the Commission (target 60% up to a maximum of 100). • % of post-reg closure cases assessed by the Commission (target 60% up to a maximum of 50). • the scale of charitable assets safeguarded via the Closures process.
g) Altering our compliance systems and procedures to ensure continued compliance with the Court of Appeal judgment (Feb 2020).	 Public communications programme coming out of any legislative change or reintroduction of the annual return process. Reinstating the status on the register, and making any necessary amendments to reporting deadlines. Commence workflow of reminders to only lawfully registered charities. Monitor changes made and re-introduce systems, when appropriate 	We will publish i1 nformation in our annual report on: • guidance issued on any change to our systems.

h) Respond to the Ministerial Review and Independent Review	 Provide input to DfC and independent counsel, when required, on enquiries work 	
i) Respond to the proposed legislative amendment	 Provide input to DfC, where appropriate, in relation to the impact on annual reporting Prepare briefings to Board on proposals. 	

Strategic Aim 3 - Demonstrating the public benefit arising from charitable resources and activities.	Actions needed	Performance measures and information
Priority - We will encourage the public to play a key role in holding registered charities accountable by: a) developing public awareness of what charity regulation means and the operation of public benefit	 Public communications to include key messages and topics as per annual Communications plan. Continue to develop and implement communications strategy to respond to COVID-19 and Court of Appeal judgment outworking. 	We will publish regular performance information on Number of telephone / email general enquiries processed by the Commission. We will publish information in our annual report on Concerns from the public.
 b) providing a resource where the public can raise concerns about charities' public benefit and/or obtain guidance. 	 Review guidance "Concerns about charities" to include specifics on Public Benefit Reporting 	 We will publish information on: Website hits on concerns page. Number of public benefit concerns.
c) undertaking a programme of research, including identifying best practice	 Implement year 1 of research strategy. Analyse information submitted on EOI forms and SIRs related to safeguarding, disseminate findings. Disseminate findings from the Trust and Confidence research 	We will publish information in our annual report on Research reports. Website hits on reports. We will publish: Report on safeguarding research Three snap shot reports based on trust and confidence research
d) publishing a range of open data and research reports reflecting the size, diversity, operations and funding of the charity sector	 Continue to expand the open data available on our CSV download. 	 We will publish information in our annual report on Development of website open data Number of Statutory inquiry reports. Number of downloads of the charity register data.

Strategic Aim 4 - Developing as a properly governed, transparent and independent decision making body.	Actions Needed	Performance measures and information
Priority - We will manage our business and deliver services to our customers in an efficient and effective way while promoting a positive internal organisational culture by: a) maintaining a focus on organisational governance, culture and values.	 Implement strategic plan 2020-2023. Develop new People Strategy and annual Action Plan. Schedule Team Development events. Ongoing Board development work and staff refresher programme on organisational governance & culture. Support Internal & External Audit fieldwork. Manage assurance processes to confirm progress on remedial actions. Board self-assessment exercise Respond to changes from sponsor department to meet governance requirements. Implement and monitor new Partnership Agreement with Sponsor Department. 	We will publish information in our annual report governance section on • Audit opinions. • Reports on internal compliance. • Results of staff survey. • People Strategy Action Plan Implementation. • Progress of policy development agenda • Use of available statutory powers • Number of tribunal and court challenges
b) reporting reliable information on performance against targets and standards, and on the use of all available statutory powers.	 Monthly and quarterly updates on progress against business plan. Implement annual assurance checks framework. Analyse and learn from decisions of other regulators and courts. 	We will publish performance information in our annual report re corporate performance and service information against targets including: Number of website hits. Number of engagement events. % Staff absence levels. % budget spend revenue. % budget spend capital. % Creditors' invoices paid within 10

		working days.
c) developing the capacity to manage change effectively and identify ongoing improvements to systems and processes	 Exploit further opportunities to use shared services and procurement frameworks. Extend Transformation project Phase II implementation timescale and operate project monitoring to demonstrate changes in policies and procedures being put into effect. Take forward Privacy Impact Assessments as appropriate. Review Schedule 1 procedures. 	We will publish information in our annual report on • Project/programme team work. • Feedback from critical friends and users on testing new systems.
d) monitoring and responding to customer needs and satisfaction	 Develop charity stakeholder forum Assurance checks of service standards. Analyse web usage figures. 	 We will publish performance information in the annual report on Number of complaints received about the Commission. Number of information requests (FoI, DPA, EiR) received and responded to. Feedback from customer surveys on website. Number of stakeholder forum meetings and key issues.
e) identifying and responding to pandemic challenges and opportunities arising from new ways of working	 Develop new approaches to an effective mix of remote and office working. Manage secure remote working in line with government guidance to deliver effective service provision. Assess impact of remote working on staff and relationships with various stakeholders. Manage safe transition back to office working at appropriate time. Develop appropriate policies to match new working patterns. 	We will publish performance information in the annual report on: Potential impact of pandemic on response times to FOIs SARs, complaints Changes in levels of customer contact.
f) having a commitment to promoting equality of	 Undertake screening as part of policy development. Gather equality assurance 	We will publish an annual progress report to ECNI on scheme

opportunity and good relations.	information.Annual training for all staff and Commissioners	 implementation and achievement of the action plan. We will publish ad hoc information on equality issues identified through project and program teams. No. of equality scheme complaints.
g) plan for and undertake relocation.	 Develop project plan. Secure appropriate budget. Undertake user acceptance testing of new facilities prior to move. Snag list cleared. Manage move arrangements with minimal disruption to service. Undertake post project evaluation. 	We will publish détails in the Annual Report. Survey of staff opinion Post project evaluation

Resources

The Commission's current source of income is 100% 'Grant in Aid' from the Sponsor Department. The 2021/22 overall resource budget will be £1,998k comprising a baseline budget of £1,671k (unchanged from 2020/21), plus an additional in year allocation of £317k (as in 2020/21).

This means inflationary increases in the general cost of goods and services and all inescapable pressures not factored into the baseline eg Schedule 1 committee costs, staff pay increase, additional pension costs and building security will have to be met from the overall budget amount. While this will be challenging, it should mean resourcing in the form of all current staff (incl fixed-term and agency temps), can be retained to deliver services across the Commission's regulatory remit and progress a range of improvement and development actions under the business plan.

Budget workings are set out in the following table and are subject to discussion and finalisation. These reflect a range of fundamental assumptions:

Commissioner costs	There is provision for annual increase in Commissioners and related costs. Assumed full complement of 7 in place for the year with some additional days as approved by sponsor department. Schedule 1 Committee costs of 45k.
Staff Remuneration	The staff numbers based on current staff compliment will be unchanged and structure as in place now including 2 temporary staff and 2 internal secondments. Limited additional provision for temporary staffing cover. Increased employer pension contribution costs of £80k.
Staff/Commissioners non-	Continued use of HR Connect. Training costs limited to 1% of salary costs. Limited provision
remuneration costs	for recruitment costs (2 x £5k). No provision for excess travel fares.
IT costs	ICT budget static with potential for reduction when new hosting arrangements secured.
Facilities/Premises costs	No additional facility/premises costs arising from relocation, Rent/Service charge for new accommodation from October to March 2022 as advised by sponsor team.
General running costs	Includes NI Direct for call handling (based on actual total call duration by an hourly charge rate).
Programme Costs (excl legal and professional costs)	Additional provision for communications. Membership fees remain unchanged. Increased provision for research costs.
Legal and professional costs	Legal & professional budget includes provision for charity tribunals, a range of opinion from counsel and support for SORP committee work. No provision for any communications programme with the charity sector or general public related to the legislative amendment.

Resource Budget Allocation 2021/22	£1,988,000
Revenue Costs	£
Commissioner Remuneration	
Commissioners (7)	25,900
Schedule 1 Committee costs	45,000
Sub Total Commissioners Remuneration	70,900
Staff Remuneration	
Agency Staff	135,569
Total Permanent Staff Costs	1,422,000
Sub Total Staff Remuneration	1,557,569
Staff/Commissioner non remuneration Costs	
Recruitment (Advertising Costs)	10,000
Travel & Subsistence	4,500
Training	18,948
Corporate Legal & Professional costs	55,600
Sub Total Staff/Comm'r non remuneration	88,518
<u>IT Costs</u>	
Database Running Costs	56,900
IT Support (IT Assist)	18,800
IT/Information/Accessibility Audit & Assurance	4,300
Sub Total IT Costs	80,000
<u>Facilities/Premises costs</u>	
Rent/Service Charge	42,048
Rates	12,440
Security	17,700
Cleaning/Maintenance	9,775
Heat, Light & Electricity	6,750
Sub Total Facilities/Premises costs	88,713
General Running Costs	42.000
Call handling	12,000
Telecoms (Incl Mobiles & Broadband)	16,000
Stationery/IT Consumables	4,000
Postage Control Control	2,500
Sub Total General Running Costs	34,500
Programme Delivery Costs	20,000
Legal & Professional Fees	38,000
Conference Fees/Residential	2,500
Communications	5,200
Events & Hospitality Investigation interviewee Costs	2,000 600
Investigation interviewee Costs	
Minor Equipment	1,000
Membership fees	12,500
Research & Data gathering	6,000
Sub Total Programme Delivery Costs	67,800
TOTAL REVENUE COSTS	1,988,000