

From: Robert Crawford [
Sent: 13 October 2021 08:35
To: McCann, Sean <
Subject: RE: Submission

Good morning Sean,

I have attached a first batch of FOI replies which should cover everything I referred to at the Committee meeting on 7 October. The AGNI's view is at the end of the Annex B attachments to the 20 September letter. The covering letter and Annex A make it clear that legal professional privilege applied and some material was withheld.

It will take some time to dig out other FOI responses, however I think the attached will cover the points of most immediate interest to the Committee.

FOI RESPONSES

Department for Communities

Date of response	Comments
11 August 2021	
20 September 2021	Covering letter and Annex A
20 September 2021	Annex B attachments (includes Ministerial briefing quoting AGNI view referred to in oral briefing on 7 October)

Charities Commission for Northern Ireland

Date of response
28 May 2021
24 September 2021
30 September 2021
1 October 2021



DPIA template

This template follows the process set out in the ICO's DPIA guidance, and should be read alongside that guidance and the [Criteria for an acceptable DPIA](#) set out in European guidelines on DPIAs.

You should start to fill out the template at the start of any major project involving the use of personal data, or if you are making a significant change to an existing process. The final outcomes should be integrated back into your project plan.

Screening questions

These questions are intended to help decide whether a DPIA is necessary. Answering 'yes' to any of these questions is an indication that a DPIA would be a useful exercise. You can expand on your answers as the project develops if you need to.

- (1) **Will the project involve the collection of new information about individuals?**

- (2) **Will the project compel individuals to provide information about themselves?**

- (3) **Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information?**

- (4) **Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?**

- (5) **Does the project involve you using new technology which might be perceived as being privacy intrusive? For example, the use of biometrics or facial recognition.**

No

- (6) **Will the project result in you making decisions or taking action against individuals in ways which can have a significant impact on them?**

No

- (7) **Is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For example, health records, criminal records or other information that people would consider to be particularly private.**

no.

- (8) **Will the project require you to contact individuals in ways which they may find intrusive?**

No

Step 1: Identify the need for a DPIA

Explain broadly what the project aims to achieve and what type of processing it involves.

Amendment to primary legislation **no data protection issues or process involved**

Step 2: Describe the processing

N/A

Step 3: Consultation process

N/A

Step 4: Assess necessity and proportionality

Describe compliance and proportionality measures, in particular:

*[Article 6](#) and [Article 9](#) of the GDPR detail the lawfulness of processing personal data and special category data respectively.

N/A

Step 5: Identify and assess risks

N/A

Step 6: Identify measures to reduce risk

N/A

Step 7: Sign off and record outcomes

The legislation does not raise any data protection issues

Martin Ireland Date: 6/5/2021



Department for

Communities

www.communities-ni.gov.uk

An Roinn

Pobal

Mánnystrie o

Communities

Section 75 Screening Form

Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

Name of the policy

The Charities Bill.

Is this an existing, revised or a new policy?

This is a technical Bill to provide a legislative fix to the existing policy contained within the Charities Act (Northern Ireland) 2008. It also provides vehicles for future policy change.

What is it trying to achieve? (intended aims/outcomes)

In February 2020 the Court of Appeal dismissed the Appeal by CCNI against Madam Justice McBride's High Court Judgment of May 2019 that found that the Charity Commission do not

have implied or express power to delegate their functions to staff acting alone. The Judgment rendered all orders/decisions made by staff unlawful.

The need to make Primary Legislation as a result of the Judgment is required to mitigate the potential harmful impact on charities. By bringing forward a Bill the Department aims to support the charity sector by fixing a situation that was not of their making and has created confusion.

An amendment to the Act through Primary Legislation with retrospective effect is the only way to render previous decisions that charities are relying on made lawful. An amendment to the Act would validate those decisions, which would return the majority of charities to the status which they previously enjoyed and was of benefit to them, reinstating their status on the Charity Register and the benefits accruing from that. Without an amendment all charities which have been unlawfully registered will be required to go through the process again. Representatives from the Sector have expressed disbelief at this prospect. An amendment would also make lawful the consents provided by Commission staff which allowed charities to make changes to their operations in the interests of their beneficiaries e.g. expanding their field of operations or the services they provide to the public.

However, a “carve out” provision will mean that certain decisions and orders would not be covered by the amendment and would therefore remain unlawful. The carve out would cover all litigation begun but not yet determined at the date of the legislation coming into force to ensure that rights under ECHR are fully and visibly protected and in addition orders or decisions taken under sections 22(6), 24 and 33-36.

Decisions carved out will be unaffected by the amendment and therefore allowed to proceed to their natural conclusion, by way of the courts if necessary. In addition it is proposed that fresh appeal rights should be conferred on those affected by an order or decision which is made lawful.

The Bill will also introduce a power for the Minister for Communities to introduce a Scheme of Delegation if decided at a later date, allowing the Commission to delegate some functions to staff.

In addition the Bill will insert a power to bring forward a registration threshold at some future point through regulations, subject to the draft affirmative procedure in the Assembly.

Are there any Section 75 categories which might be expected to benefit from the intended policy?

Yes.

If Yes, explain how.

Charities help people from all Section 75 categories. It is important that they are returned to their previous status to ensure that their services to beneficiaries can continue un-hindered. It is also important that the Commission can function effectively providing services to all category of charity in NI.

Who initiated or wrote the policy?

DfC Officials working with Office of Legislative Counsel and the Departmental Solicitor's Office.

Who owns and who implements the policy?

The Department for Communities owns the policy. Some elements of the policy will be implemented by the Charity Commission for Northern Ireland which is the statutory regulator of charities.

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

If yes, are they

- financial
- legislative
- other, please specify

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon? (please delete as appropriate)

- staff
- service users
- other public sector organisations
- voluntary/community/trade unions
- other, please specify

Other policies with a bearing on this policy

What are they and who owns them?

N/A

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for **each** of the Section 75 categories.

Section 75 category	Details of evidence/information
Religious belief	Evidence relates to potential impacts on all charities and therefore indirectly, all S75 groups: Charity Register entries. Commission records. Ongoing, wider, stakeholder discussions and engagement with NICVA and others in the Voluntary & Community sector during the last year.
Political opinion	
Racial group	
Age	
Marital status	
Sexual orientation	
Men and women generally	
Disability	

Section 75 category	Details of evidence/information
Dependants	

Note to reader - If you are aware of and would like the Department to take into account any further evidence or information relevant to this policy, please send this to [Gerard.Flynn@communities-ni.gov.uk]

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision?

Specify details for **each** of the Section 75 categories

Section 75 category	Details of needs/experiences/priorities
Religious belief	Specific Section 75 groups are unlikely to be affected directly or disproportionately by this Bill i.e. to return charities to the regulatory status they enjoyed prior to the Judgment to ensure un-hindered services to beneficiaries. No adverse differential impacts have been identified. However, as the policy process continues, this will be kept under review.
Political opinion	
Racial group	
Age	
Marital status	
Sexual orientation	
Men and women generally	
Disability	
Dependants	

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 which are given on pages 66-68 of this Guide.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;

- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none

Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	<p>The policy will have no disproportionate or negative impact on any particular Section 75 group that the Department has identified. It will return charities to the position enjoyed prior to the Judgment and allow the Minister take future decisions on the delegation of some functions to Commission staff and to introduce a registration threshold. Both of these future policy decisions would be impact assessed and consulted upon.</p>	None.
Political opinion		
Racial group		
Age		
Marital status		
Sexual orientation		
Men and women generally		
Disability		
Dependants		

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?

Section 75 category	If Yes , provide details	If No , provide reasons
Religious belief		The policy will simply return charities to the position enjoyed prior to the Judgment and allow Minister to agree the delegation of some functions to Commission staff at a future date, following full impact assessment and consultation.
Political opinion		
Racial group		
Age		
Marital status		
Sexual orientation		
Men and women generally		
Disability		
Dependants		

3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? minor/major/none

Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief	It will return charities to the position enjoyed prior to the Judgment.	None.
Political opinion		
Racial group		

4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Good relations category	If Yes , provide details	If No , provide reasons
Religious belief		The policy will simply return charities to the position enjoyed prior to the Judgment and allow Minister to agree the delegation of some functions to Commission staff at a future stage.
Political opinion		
Racial group		

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

N/A to this policy as per answers to 1- 4 above.

Part 3. Screening decision

In light of your answers to the previous questions, do you feel that the policy should: (please underline one)

1. Not be subject to an EQIA

There are no known potential adverse impacts to any section 75 grouping as a result of this policy. This position will be kept under review as the policy process is followed.

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, **give the reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

N/A.

Part 4. Monitoring

Effective monitoring will help identify any future adverse impacts arising from the policy which may lead you to conduct an EQIA, as well as help with future planning and policy development.

You should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, then you should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

Please detail proposed monitoring arrangements below:

As no potential/actual adverse impacts have been identified no immediate monitoring will be carried out.

However, it should be noted that future policy development which is being enabled by the Bill, will require consultation and full impact assessments.

Part 5 - Approval and authorisation

This policy screening template must be quality assured by the Equality Unit prior to sign off by the Senior Responsible Officer - usually Grade 5 - the person who has the power to change the policy.

Remember, the Equality Unit is here to:-

- help you
- provide an independent point of view
- share our experiences and knowledge and
- assist in the provision of an audit trail of Equality and Good Relation considerations.

Any questions please do not hesitate to contact, Damian ext 39440 or Stephen ext 39443, or email Equality.Unit@communities-ni.gov.uk

Remember – screening should involve not only those who develop the policy but also other relevant team members and where appropriate possible stakeholders. Finally, there is no such thing as a silly question – we have most likely heard/asked similar before.

Screened by:	Position/Job Title	Date
Gerard Flynn	DP	24/2/21
Approved by:		
Martin Ireland	G7	6/5/21

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy, made easily accessible on the public authority's website as soon as possible following completion and made available on request.

Title: Charities Bill	Regulatory Impact Assessment (RIA)	
	Date: 24/2/2021	
	Type of measure: Primary Legislation	
Lead department or agency: DFC	Stage: Initial	
	Source of intervention: Domestic NI	
Other departments or agencies: n/a	Contact details: Gerard Flynn	
	Gerard.Flynn@communities-ni.gsi.gov.uk	

Summary Intervention and Options

What is the problem under consideration? Why is government intervention necessary? (7 lines maximum) The Department is responsible for the policy and regulatory framework for charities in NI. In February 2020 the Court of Appeal dismissed an Appeal by the Charity Commission for Northern Ireland (the Commission) against Madam Justice McBride's High Court Judgment of May 2019, which found that the Commission does not have implied or express power to delegate its functions to staff acting alone. The Judgment rendered all decisions taken by staff of the Commission unlawful. The Department is now bringing a remedy through this Bill, which will amend the Charities Act (Northern Ireland) 2008 (the Act) with retrospective effect to render some decisions lawful, with a 'carve out' for other decisions; a limited power of delegation for some decisions to staff under the terms of a formal Scheme of Delegation; and a power to introduce a registration threshold at some future stage.	
What are the policy objectives and the intended effects? To provide clarity for charities, the legislation will make lawful some past decisions. It will have retrospective effect with robust European Convention on Human Rights (ECHR) protections in order to render previous decisions made by staff, for which no delegated powers existed, lawful thereby providing protections to charities that may have been left vulnerable by a situation not of their making. Where it makes a decision lawful as if it had always been lawful including over 6,500 registrations decisions lawful but in doing so it will not impose retrospectively any Accounting and Reporting requirements under Part 8 of the Act. Where an order is to be made lawful it introduces fresh appeal rights in accordance with Schedule 3 of the Act, effective from the date of Royal Assent. It includes a power to provide for delegation to staff provided through a Scheme of Delegation which can only be introduced if the Minister for Communities agrees to it. It also includes a power to introduce a registration threshold at some future point through subordinate legislation. Affected charities will not have to register or provide accounts for past periods thereby incurring no cost. It is not anticipated that there will be any fresh appeals based on the fact that the decisions will be between 3 and 8 years old at the time of Royal Assent, the vast majority were welcomed by charities with approximately 5 being challenged when first made by staff. The Commission has changed their procedures as a result of McBride, however, any relaxations in those procedures will be as a result of the independent review of charity regulation and any proposed Scheme of Delegation if one is adopted, not through this Bill. Any proposal to bring forward regulations to introduce a registration threshold will itself be subject to a separate Regulatory Impact Assessment.	
What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base) (10 lines maximum) Do nothing was rejected due to the continued harmful impacts and significant additional burden (including to re-register) for the charity sector as a result of the unlawfulness of decisions. Primary legislation is the only way to address those impacts.	
Will the policy be reviewed? There is currently a review of charity regulation which will likely determine the need for a registration threshold. The other parts of the Bill are technical and will not be reviewed.	If applicable, set review date: N/A

Cost of Preferred (or more likely) Option		
Total outlay cost for business £m	Total net cost to business per year £m	Annual cost for implementation by Regulator £m
0	0	0

Does Implementation go beyond minimum EU requirements?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
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Is this measure likely to impact on trade and investment?		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Are any of these organisations in scope?	Micro Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Small Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Medium Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
		Large Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

The final RIA supporting legislation must be attached to the Explanatory Memorandum and published with it.

Approved by: Martin Ireland

Date: 6/5/ 2021

Appendix I - Rural Needs Impact Assessment (RNIA) Template

SECTION 1 - Defining the activity subject to Section 1(1) of the Rural Needs Act (NI) 2016

1A. Name of Public Authority.

Department for Communities

1B. Please provide a short title which describes the activity being undertaken by the Public Authority that is subject to Section 1(1) of the Rural Needs Act (NI) 2016.

An amendment to the Charities Act (Northern Ireland) 2008 through primary legislation.

1C. Please indicate which category the activity specified in Section 1B above relates to.

Developing a	Policy <input type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>
Adopting a	Policy <input type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>
Implementing a	Policy <input checked="" type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>
Revising a	Policy <input type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>
Designing a Public Service	<input type="checkbox"/>		
Delivering a Public Service	<input type="checkbox"/>		

1D. Please provide the official title (if any) of the Policy, Strategy, Plan or Public Service document or initiative relating to the category indicated in Section 1C above.

The Charities Bill.

1E. Please provide details of the aims and/or objectives of the Policy, Strategy, Plan or Public Service.

The legislation will have retrospective effect with suitable European Convention on Human Rights (ECHR) protections in order to render previous decisions made by staff, without the delegated power to make them, lawful thereby providing protections to charities that may have been left vulnerable by a situation not of their making. It will also provide a limited power of delegation to staff and include a power to introduce a registration threshold at some future point through subordinate legislation.

1F. What definition of 'rural' is the Public Authority using in respect of the Policy, Strategy, Plan or Public Service?

Population Settlements of less than 5,000 (Default definition).

Other Definition (Provide details and the rationale below).

A definition of 'rural' is not applicable.

Details of alternative definition of 'rural' used.

Rationale for using alternative definition of 'rural'.

Reasons why a definition of 'rural' is not applicable.

SECTION 2 - Understanding the impact of the Policy, Strategy, Plan or Public Service

2A. Is the Policy, Strategy, Plan or Public Service likely to impact on people in rural areas?

Yes No If the response is **NO** GO TO Section **2E**.

2B. Please explain how the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas.

Charities affected by the McBride Judgment operate in both urban and rural areas. Any future registration threshold which would be established through subordinate legislation would be subject to a specific impact assessment, and at this stage, no differential impacts are foreseen. Should regulations in that regard be proposed they would themselves be subject to RNIA.

2C. If the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas differently from people in urban areas, please explain how it is likely to impact on people in rural areas differently.

N/A.

2D. Please indicate which of the following rural policy areas the Policy, Strategy, Plan or Public Service is likely to primarily impact on.

Rural Businesses

Rural Tourism

Rural Housing

Jobs or Employment in Rural Areas

Education or Training in Rural Areas

Broadband or Mobile Communications in Rural Areas

Transport Services or Infrastructure in Rural Areas

Health or Social Care Services in Rural Areas

Poverty in Rural Areas

Deprivation in Rural Areas

Rural Crime or Community Safety

Rural Development

Agri-Environment

Other (Please state)

It could impact on charities that provide services across all of these policy areas.

If the response to Section 2A was YES GO TO Section 3A.

2E. Please explain why the Policy, Strategy, Plan or Public Service is NOT likely to impact on people in rural areas.

SECTION 3 - Identifying the Social and Economic Needs of Persons in Rural Areas

3A. Has the Public Authority taken steps to identify the social and economic needs of people in rural areas that are relevant to the Policy, Strategy, Plan or Public Service?

Yes No If the response is **NO** GO TO Section **3E**.

3B. Please indicate which of the following methods or information sources were used by the Public Authority to identify the social and economic needs of people in rural areas.

Consultation with Rural Stakeholders	<input type="checkbox"/>	Published Statistics	<input type="checkbox"/>
Consultation with Other Organisations	<input type="checkbox"/>	Research Papers	<input type="checkbox"/>
Surveys or Questionnaires	<input type="checkbox"/>	Other Publications	<input type="checkbox"/>
Other Methods or Information Sources (include details in Question 3C below).			<input type="checkbox"/>

3C. Please provide details of the methods and information sources used to identify the social and economic needs of people in rural areas including relevant dates, names of organisations, titles of publications, website references, details of surveys or consultations undertaken etc.

3D. Please provide details of the social and economic needs of people in rural areas which have been identified by the Public Authority?

If the response to Section 3A was YES GO TO Section 4A.

3E. Please explain why no steps were taken by the Public Authority to identify the social and economic needs of people in rural areas?

The Bill relates purely to the regulation of charities in Northern Ireland affecting the needs of all charities equally.

SECTION 4 - Considering the Social and Economic Needs of Persons in Rural Areas

4A. Please provide details of the issues considered in relation to the social and economic needs of people in rural areas.

N/A

SECTION 5 - Influencing the Policy, Strategy, Plan or Public Service

5A. Has the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, been influenced by the rural needs identified?

Yes No If the response is **NO** GO TO Section **5C**.

5B. Please explain how the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, has been influenced by the rural needs identified.

If the response to Section **5A** was **YES** GO TO Section **6A**.

5C. Please explain why the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or the delivery of the Public Service, has NOT been influenced by the rural needs identified.

The Bill relates purely to the regulation of charities in Northern Ireland affecting all charities and their beneficiaries across rural and urban areas, with no differential impacts identified.

SECTION 6 - Documenting and Recording

6A. Please tick below to confirm that the RNIA Template will be retained by the Public Authority and relevant information on the Section 1 activity compiled in accordance with paragraph 6.7 of the guidance.

I confirm that the RNIA Template will be retained and relevant information compiled.

Rural Needs Impact Assessment undertaken by:	Gerard Flynn
Position/Grade:	DP
Division/Branch	VCD
Signature:	<i>Gerard Flynn</i>
Date:	24/2/2021
Rural Needs Impact Assessment approved by:	Martin Ireland
Position/Grade:	G7
Division/Branch:	VCD
Signature:	<i>Martin Ireland</i>
Date:	19/05/2021



Department for
Communities
www.communities-ni.gov.uk

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Department fur
Commonities

Mr Robert Crawford
By E-mail: Robni1@hotmail.co.uk

Information management Branch
9 Lanyon Place
Lanyon Quay
BELFAST
BT1 3LP

FOI Reference: DFC/2021-0141

Dear Mr Crawford,

Date: 20 September 2021

Freedom of Information Act 2000

The Department has now completed its search for the information which you requested on 26 August 2021.

You narrowed your request to questions 2, 3 and 6 of your original request of 28 July 2021. However in my response dated 20 August, I confirmed that, in relation to question 6, the department considers it could provide information relating to the public consultation for the Charities Bill only, within the fees limit.

The department has therefore considered your request to relate to:

1. a list of the primary legislation made by the Department for Communities in the last five years in respect of which there was no public consultation;
2. Copies of the explanatory notes relating to each of the pieces of legislation listed in response to requests 1 above;
3. Copies of documents held by the Department which refer to public consultation for the Charities Bill, and documents held by the Department in relation to the retrospective effect of the provisions of that Bill.

The information relating to Q1 & Q2 is detailed in Annex A.

In relation to Q3 the information which can be disclosed is attached. Some information relating to legal advice cannot be disclosed for the reasons given in Annex B.

If you are dissatisfied with this response and wish to request a review of our decision or make a complaint about how your request has been handled, you may ask for an internal review within two calendar months of the date of this letter. You should write to the Information Access Manager, Department for Communities, Level 5, Nine Lanyon Place, BELFAST, BT1 3LP, or send an email to foi@communities-ni.gov.uk.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a review of our original decision.

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely,

Helen Lindsay

Annex A

Primary Legislation	Explanatory Notes
Private Tenancies (Coronavirus Modifications) Act (Northern Ireland) 2020 https://www.legislation.gov.uk/nia/2020/2	https://www.legislation.gov.uk/nia/2020/2/notes

Annex B

[Section 42 : Legal Professional Privilege](#)

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none">• There is a presumption of a general public interest in disclosure• There is desirability of the public being confident that decisions are taken on the basis of the best available information;	<ul style="list-style-type: none">• Section 42 reflects a strong public interest in the department being able to communicate freely with its legal advisers and receive advice in confidence.• It is in the public interest that the decisions taken by Departments are taken in a fully informed legal context. Departments therefore need high quality comprehensive legal advice for the effective conduct of their business. Without such comprehensive advice the quality of the decision making may be adversely affected and this would be contrary to the public interest.• If legal advice was routinely disclosed caveats, qualifications of professional expressions of opinion might be given in advice which would prevent the free and frank correspondence between an authority and its legal advisers• Protecting the principle of legal professional privilege is also in the public interest, as it ensures that departments can seek legal advice and that such legal advice can be given freely and frankly, to enable decisions to be made in a fully informed legal context.• The information Tribunal's decision in the 'Bellamy' case (8 May 2006) makes it clear that there is always a very strong public interest in protecting legal professional privilege information.

After considering the above factors the Department has concluded that the public interest is best served by maintaining the exemption in Section 42 of the Act. It is essential that the Department can consult with its legal advisers in a free and frank manner to get appropriate legal advice.

Document 1
CO1/20/63872 – EXTRACT OF SUBMISSION FROM CHARITIES TEAM TO
MINISTER - 22 JANUARY 2020

PROPOSED AMENDMENT OF THE CHARITIES ACT (NORTHERN IRELAND)
2008 AND OTHER ISSUES IN RESPECT OF CHARITY REGULATION IN NI

Recommendation: That you note this briefing and agree that:

(i) an amendment is made to the Charities Act (Northern Ireland) 2008 to give an express power of delegation to staff for decisions going forward, the nature of which would be determined through a short, focused stakeholder consultation;

...

Option 2 – An amendment is made to provide an express power of delegation to staff.

Such an amendment would mean that CCNI could resume delivering all of its functions through its staff, or it could be tailored to except certain decisions, or give the Department a role in agreeing which decisions were appropriate for staff to take and those that were not.

...

9. It is recommended that Option 2, an amendment to give express power of delegation to staff without retrospective effect, is pursued as it would be much less controversial and would mean that staff could take decisions going forward. The perceived small number of challenges to previous decisions would be dealt with on a case by case basis. The precise nature and scope of the amendment would be determined following a stakeholder consultation, with recommendations then put to you for consideration.

...

Recommendation

18. That you note this briefing and agree to meet to discuss the proposal that:
 - (i) an amendment is made to the Charities Act (Northern Ireland) 2008 to give an express power of delegation to staff for decisions going forward, the nature of which would be determined through a short, focused stakeholder consultation;

Document 2
CO1/20/451087 - Extract of Draft timetable for Primary Legislation – dated 18
Aug 2020



Extract of draft
timetable for Primar

Document 3 - CO1/20/308413 – EXTRACTS FROM OPTIONS SUB FOLLOWING SUB-1101-2020 AND ZOOM MEETING OF 21.02.2020 FROM ENGAGED COMMUNITIES GROUP DIRECTOR TO MINISTER – June 2020

CHARITY COMMISSION COURT OF APPEAL JUDGMENT

Issue: Options for the way ahead following the Court of Appeal's confirmation of the McBride Judgment.

...

Option 3 – Consult on an express power for staff to make some or all decisions

Whilst the Court of Appeal Judgment does not preclude a change to the legislation, the Judges state that;

“If the effect of our decision is to require some review and amendment of the 2008 Act, careful consideration should be given to the question of whether any of the powers and functions therein enshrined can properly be discharged by staff of the Commission and, if appropriate, to reflect this in unambiguous language.”

The Attorney General reflected that the NI Judiciary would be of the view that staff should not be making decisions although he was not averse to staff making registration decisions provided the test to be passed was made explicit in the legislation. All decisions are in fact taken by staff in the Charity Commissions in GB and Ireland.

[Note – I perceive the warning from the COA to be relatively stark. Care should be taken here – the approach suggested the Attorney General appears appropriate.]

I believe that any such proposal should be evidenced by a short focused consultation.

...

...

2. Is there to be no consultation?

- The Bill is essentially a legislative fix, and of a technical nature, to restore the regulatory framework.
- Provisions for future changes will be subject to full consultation and further regulations.
- In terms of timing, I took the view that I should seek to bring confidence to the charities sector in this mandate.
- The engagement that has taken place as a key element of the ongoing Independent Review will inform any Scheme of Delegation and whether I should make regulations to introduce a registration threshold.

...

42. Why not introduce a registration threshold now?

- There is currently a lack of evidence as to the level that any threshold should be set.
- Such a fundamental change to the regulatory framework needs careful consideration to ensure that there are no unintended consequences.
- Consultation on this issue would be required but the timeframe for this Bill did not allow for it.
- The independent review of charity regulation has sought views on a threshold and registration generally and any recommendations will inform any decision to consult on regulations.

...

DOCUMENT 5 – Explanatory & Financial Memorandum for Charities Bill

Available publicly -

<http://www.niassembly.gov.uk/globalassets/documents/legislation/bills/executive-bills/session-2017-2022/charities-bill/charties-bill---efm---as-introduced.pdf>

DOCUMENT 6 - CO1/21/276131 – EXTRACT FROM CHARITIES BILL DELEGATED POWERS MEMORANDUM – DATED AUGUST 2020

...

Reason for Delegation and Rationale for Control

9. The introduction of a registration threshold would exempt any charity falling below that threshold from registering with the Commission. Although the Department believes that such a fundamental change in the framework of regulation would be widely welcomed by the charity sector, following representation from stakeholders, it could have unintended consequences which cannot be properly investigated in the timeframe required for this Bill. There is also insufficient evidence as to where the threshold should be set and whether it should be restricted to annual income or include a consideration of an organisation's assets.

10. The Department would not wish to make such a significant change in the regulatory framework without consulting widely on the issue, however, the timeframe for the Charities Bill does not allow for that. Such a change can currently only be made by Primary Legislation meaning that a further Bill would be required. The proposed power to introduce such a change through regulations would allow for that consultation to take place whilst providing for the Department to respond to any Ministerial decision in that regard.

...

**DOCUMENT 7 - CO1/21/347116 – EXTRACT FROM SUBMISSION
FROM DIRECTOR OF ENGAGED COMMUNITIES GROUP TO
MINISTER - CHARITIES BILL – BRIEFING FOR SECOND STAGE –
DATED 24 JUNE 2021**

EXTRACT FROM ANNEX 2 – SECOND STAGE OPENING SPEECH

...

In the immediate aftermath of the Court of Appeal Judgment my Department worked with the Commission and spoke to several important advocates for and representatives of the sector to determine the issues to be addressed and the course of action to be taken. I subsequently determined, having taken the advice of Counsel and consulted with the Attorney General, that a Charities Bill was required to bring certainty to the Sector and fix a problem for them that was not of their making.

...

**DOCUMENT 8 - CO1/20/107882 – SUB-1101-2020 – EXTRACT FROM
SUBMISSION FROM HEAD OF CHARITIES TEAM TO MINISTER -
CHARITY COMMISSION COURT OF APPEAL JUDGMENT – DATED
19 FEBRUARY 2020**

...

Recommendation: That you note this briefing and the recommendation to establish a Bill team to scope an amendment to the Charities Act (NI) 2008 to give an express power of delegation to staff for decisions going forward, the nature of which would be determined through a short, focused stakeholder consultation.

...

Option 2 – An amendment is made to provide an express power of delegation to staff.

Such an amendment would mean that CCNI could resume delivering all of its functions through its staff, or it could be tailored to except certain decisions, or give the Department a role in agreeing which decisions were appropriate for staff to take and those that were not. The nature of this amendment could be determined by a short, focused stakeholder consultation.

...

9. Subject to your being content, a Bill Team would be assembled to begin work on scoping an amendment and to undertake a short, focussed stakeholder consultation. A consultation provides an opportunity to take account of the Court of Appeal Judgment's reference to the need for careful consideration of the next steps.

10. The precise nature and scope of the amendment would be determined following a stakeholder consultation, with recommendations then put to you for consideration.

...

Recommendation

16. That you note this briefing and agree to establish a Bill team to scope an amendment to the Charities Act (NI) 2008, to give an express power of delegation to staff for decisions going forward, the nature of which would be determined through a short, focused stakeholder consultation.

...

**DOCUMENT 9 - CO1/20/240464 – EXTRACT FROM AIDE MEMOIRE - ATTORNEY
GENERAL (*PROSPECTIVE*) MEETING - CHARITY COMMISSION OPTIONS – MAY
2020**

Attorney's view to be obtained on the following possible options.

...

- A legislative amendment with retrospective effect, with a “carve out” provision for ongoing litigation an amendment to provide an express power of delegation going forward, the precise nature of which would be determined by consultation

...

**DOCUMENT 10 - CO1/20/249500 - OPTIONS FOR BRIEFING WITH MINISTER ON
19 MAY 2020 – EXTRACTED TABLE WITH REDACTIONS**

...

Operation of the Commission going forward

None of the options below seem plausible if a lawful register is not created through legislation as per options 2 – 4 above as approximately 6,400 registration decisions previously taken by staff would need to be taken afresh.

Option	
Do nothing	<div style="background-color: black; width: 100%; height: 100%;"></div>
The Commission takes all decisions by Committee in compliance with the Judgment	<div style="background-color: black; width: 100%; height: 100%;"></div>
Consult on an express power for staff to make some or all decisions	<p>Whilst the Court of Appeal Judgment does not preclude a change to the legislation, the Judges state that;</p> <p>“If the effect of our decision is to require some review and amendment of the 2008 Act, careful consideration should be given to the question of whether any of the powers and functions therein enshrined can properly be discharged by staff of the Commission and, if appropriate, to reflect this in unambiguous language.”</p> <p>The A.G. reflected that the NI Judiciary would be of the view that staff should not be making decisions although he was not averse to staff making</p>

	<p>registration decisions provided the test to be passed was made explicit in the legislation. All decisions are in fact taken by staff in the Charity Commissions in GB and Ireland.</p> <p>A full public consultation would be required due to the nature of any change which would require Primary legislation. CCNI would have to operate by Committee in compliance with the Judgment until such an amendment were made.</p>
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Robert Crawford
By email

Ref: FOI20210429

28 May 2021

Dear Mr Crawford

Your correspondence, dated 28 April 2021, to the Chief Charity Commissioner is part of an ongoing dialogue involving a number of associates regarding concerns about the handling of complaints related to a statutory inquiry. The correspondence included a number of requests for information, which were passed to the Charity Commission for Northern Ireland's communications team to consider.

The Freedom of Information Act 2000 (FOIA) imposes a duty on the Commission, set out in section 1(1)(a), to confirm or deny whether we hold the information specified in your request. Please find responses to your requests for information, as listed below:

- 1) "I should be grateful if you would provide me with the identity of the person or persons in the Commission who investigated these complaints (i.e. who was the investigating officer in each case), when the investigation took place, what was the outcome in respect of each complaint and when were the conclusions communicated by the Commission to the signatories of the Briefing Paper."**

Unfortunately this request is ambiguous and included in correspondence in a way that the Information Commissioner's Office (ICO) suggests should not be used by requestors. The ICO has provided advice to the public which states requestors should not "*Bury your request in amongst lengthy correspondence on other matters or underlying complaints*"¹

In terms of advice and assistance to enable a future request to be made it is highlighted that you should clearly specify the particular complaints so that a search can be conducted of information held. This is not practicable when a variety of terminology, language and parties are included in lengthy correspondence eg '*whistleblowing complaint set out in the Briefing Paper*', '*issues in the Briefing paper*', '*the serious complaints which have been made over many years*' or '*communicated to signatories of the Briefing Paper*'.

It should also be noted there are limitations imposed by the FOIA on releasing 3rd party data. It is suggested if you are considering submitting a fresh FOIA request that covers information relating to associates who have previously submitted complaints, a potential route to obtain 3rd party data would be to consider acting as a single point of contact and seek their consent to disclosure as part of a request.

¹ <https://ico.org.uk/your-data-matters/official-information/>

2) "Please also provide a copy of the investigation reports and the letters which communicated the outcome of the investigation(s) to the complaints, and a copy of the "analysis" referred to in paragraph seven of your letter,

Unfortunately the first two elements of this information request ie the investigation report and the letters which communicated the outcomes of the investigation(s), overlap with Request 1 and are similarly ambiguous for the reasons set out in relation to Request 1.

In relation to the third element of this request please see in Annex A analysis information referred to in paragraph 7 of correspondence from the Commission to you dated 22 April 2021. Personal data has been redacted from this in accordance with the exemption relating to third party personal data. This is considered to be exempt from disclosure under section 40(2) of the FOIA. This exemption provides that personal data about third parties (excluding the information applicant) is exempt from release if any of the data protection principles would be contravened by the disclosure. None of the lawful bases has been demonstrated, and so any disclosure would therefore be unlawful.

3) "If the Commission did indeed investigate complaints about misconduct (the Briefing Paper set out 30 examples of dishonesty) by its staff, I would have expected that this would be done through a proper disciplinary investigation. Please confirm whether there has been any disciplinary investigation of Commission staff related to the issues raised in the Briefing Paper.

In the course of business, the Commission would highlight that information related to this request was previously provided ref CAS 2020016 on 12 May 2021.

4) "In paragraph 8 of your letter you state that my correspondence of 2 April 2021 has been forwarded to the Chief Executive and to the Deputy Chief Commissioner. Please advise me when the Commission changed its process for complaints against the Chief Commissioner. You will recall that my previous complaint was not investigated by the CEO/Deputy Chief Commissioner but was instead sent to the Department in accordance with the Commission's Standing Order 7.03."

In the course of business, the Commission would highlight that information related to this request was previously provided ref CAS 2020016 on 12 May 2021.

In order to ensure no information requests are missed, we would request that in the course of any future correspondence, you please forward further information requests directly to the communications team via communications@charitycommissionni.org.uk.

We hope you find this information useful.

If you are not satisfied with our handling of your information request, you have the right to have this decision reviewed internally. If you wish to have this decision reviewed in this instance please email communications@charitycommissionni.org.uk or by post to:

Charity Commission for Northern Ireland
257 Lough Road
Lurgan
Co Armagh
BT66 6NQ

If you are not satisfied with the review decision, you have the right of appeal to the Information Commissioner's Office at Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Yours sincerely
The Communications Team
Charity Commission for Northern Ireland

Annex A

Complaint ref	Name of complainant	Issue or allegation considered	Considered at stage two (Commissioner or {personal data redacted})?
CAS2016002A	{personal data redacted}	1. That our response of 15 July was discourteous and 'deliberately misinterpreted' your complaint about the current mismanagement and misconduct of the DPOANI. 2. That you, in being referred to the charity about your concerns, are being treated differently from {personal data redacted} 3. That the order communicated to you by the Commission in November 2014 was not carried out. 4. That the charity has worsened 'under your watch', its membership has declined and only 2 events have been run in 2 years 5. Charity members not consulted about membership criteria. 6. The Commission may have 'turned a blind eye' to membership fees not being paid and people then participating in an event in September 2015. 7. That an AGM which was to be convened by March 2015 did not happen until July 2015 8. That the Commission did not take action when the regular monthly progress reports mandated in the order (No 34) of 7 Nov 2014 were not provided. 9. Within 2 months of our orders being made, £60K was taken from the charity's account, which did not 'protect' the charity (further info was requested in order to consider this complaint). 10. The Commission failed to restore good governance to DPOANI and the charity still has poor governance, a turnover of directors, is running no events and 'its name is mud' 11. That CCNI has failed to comply with its statutory duty and we are requested to list how we have complied with the Act before and after our inquiry. 12. That the Commission has failed to take any action to investigate the ongoing mismanagement of DPOANI. 13. That {personal data redacted} refused to respond to your requests about the statutory inquiry which ended in March 2016 and about which an inquiry report will be published, but not until litigation is concluded and that we are in breach of FOI for withholding this information.	Stage two {personal data redacted}
CAS2017012	{personal data redacted}	1. Suggestion that {personal data redacted} was called unprofessional. 2. Alleged errors or untruths in {personal data redacted} evidence to the Tribunal (not considered by reviewing officers as potentially defamatory). 3. That {personal data redacted} attended the DPOANI AGM ON 28 July 2015. 4. Alleged misconduct of {personal data redacted} in writing to "many gov departments" alleging "potential fraud". 5. Evidence extracted from the charity's phones. 6. Removal of files from DPOANI's office as unlawful. 7. {personal data redacted} fabricated an Order for production without good reason in order to gain unlawful admittance to DPOANI's premises. 8. That the Commission wrote to individual members of DPOANI and that this was with the intention of damaging your reputation. 9. The {personal data redacted} initiated contact with {personal data redacted} of the BBC regarding the investigation into DPOANI. 10. {personal data redacted} being tasked in September 2014 to "approach law firms them not to represent charities who wished to appeal CCNI's orders at the charity tribunal."	Stage two {personal data redacted}
CAS2018001	{personal data redacted}	1. The Commission erred in its appointment of a named individual as a trustee of the charity, Disabled Police Officers Association of Northern Ireland (DPOANI). 2. The charity has, as stated in your correspondence, been "made defunct by you and your office personnel's dishonesty, bias and vindictive actions." 3. The Commission's staff have made false claims in relation to the charity 4. The officer of the Commission investigating a previous complaint about service, falsely claimed not to have been involved with the DPOANI inquiry 5. The {personal data redacted} unlawfully stopped two named individuals obtaining legal services to which the Board of the DPOANI had agreed 6. The Commission has failed to provide you with coherent answers.	Stage two (panel of two Commissioners)
CAS2018007B	{personal data redacted}	1. Commission staff claimed to have undertaken mediation with DPOANI, a claim you consider to be untrue. 2. Commission staff informed a named MLA that there had been duplicate funding in DPOANI, a claim which you consider to be untrue. 3. There is a variance between how members of staff of the Commission have been treated, with Commission staff offered an opportunity to discuss complaints made against them when members of DPOANI were not provided with an opportunity to see allegations made against them. 4. Commission staff informed a named MLA that you had submitted a complaint on behalf of others, which you consider to be an untrue statement. 5. That Commission staff took your personal data out of the DPOANI office without permission and stored it in an unsecure office. 6. A named senior officer failed to respond to queries you submitted in correspondence of April 2018. 7. A named senior officer failed to respond to a letter submitted by your MLA dated 8 June 2018.	Stage two (panel of two Commissioners)
CAS2018015A	{personal data redacted}	This report [statutory inquiry report into the Disabled Police Officers' Association Northern Ireland] is dishonest, in that it seeks to conceal actions of the Charity Commission to the detriment of those affected by illegal actions of the staff of the Charity Commission	Stage two {personal data redacted} - not eligible as before the high court
CAS2018018A	{personal data redacted}	1. The Commission did not investigate concerns you raised regarding the charity Disabled Police Officers' Association Northern Ireland (DPOANI) and no response was issued within the past seven months. 2. {personal data redacted} in his charity tribunal witness statement regarding the use of a photocopier, said that DPOANI's accountant stated that the photocopier was not good value for money and enclosed an email from the accountant claiming that it was good value for money. This is deliberately dishonest and has never been corrected.	Stage two {personal data redacted}



Robert Crawford
By email

24 September 2021

Dear Mr Crawford

Thank you for your confirmation regarding freedom of information request (ref: FOI20210728) and additional queries, which were received by the Charity Commission for Northern Ireland on 26 August 2021.

While your other requests were initially progressed under the Freedom of Information Act 2000 (FOIA), we can advise that your requests can be answered under the normal course of business. Please see below the responses to your queries.

1. What is the reason for the delay in completing the report?

The draft report was produced on schedule. Factual amendments are now being carried out and a summary is being prepared.

2. Has a draft report been prepared by Counsel?

Yes.

3. Has any member of the Commission or member of the Commission's staff had sight of the report in draft form, or been provided with details (or a summary) of its contents, either verbally or in written? If so, when did this happen and who has had sight of the draft report and/or been given information about its contents?

The report was shared with the Commission's Chief Commissioner (5 July 2021), Board (6 July 2021), senior management team (6 July 2021) and legal team (6 July 2021). A member of the Commission's administration team acted as note taker during a Board session on the draft report, held

on 21 July 2021. All staff were also informed verbally at a team meeting that the draft report was complete.

4. Can you confirm that the Chief Commissioner has proposed that Counsel prepare an executive summary of the report? Can you advise whether this will be done?

The answers to both queries are yes.

We hope you find this information useful.

Yours sincerely

Communications Team
The Charity Commission for Northern Ireland

Thank you for your clarification regarding freedom of information request ref: FOI20210728, which was received by the Charity Commission for Northern Ireland on 30 September 2021. This request was put on hold as per your communication of 26 August 2021. However, in light of your communication of 30 September that original request is now closed.

To explain our approach, and for the avoidance of doubt, request FOI20210728 does not state as you now assert that your FOI request was "... *for the report (in whatever form) as soon as it was held by the Commission*". You have now indicated your FOI request is "*Please forward a copy of the report (whether draft or final) by Counsel currently held by the Commission. If there are different versions, please provide a copy of the first "draft" report sent to the Commission by Counsel.*" The Commission will now progress FOI20210826 as per the date that request was received and on basis of the clarification as to what specific information you are requesting.

Please let us know if you have any accessibility or communications requirements, which will be taken into consideration for future correspondence.

Yours sincerely

The Communications Team
Charity Commission for Northern Ireland



Dear Mr Crawford

Thank you for your email of 24 September 2021. We would like to explain the consistent approach the Charity Commission for Northern Ireland has taken to your request based on your wording.

Your freedom of information request (ref: FOI20210728) stated: *"I understand that Counsel's review of the complaints made about the Commission's investigation of Lough Neagh Rescue and the Disabled Police Officers Association NI has been completed. I should be grateful if you would provide me with a copy of the report prepared by Counsel at your earliest convenience."*

Our response, dated 25 August 2021, stated very clearly: *"While it had been anticipated that the report in question would be completed at this stage, work on the report is still ongoing by Counsel. It is now expected the report be finalised in the coming weeks. The completed report prepared by Counsel, as requested by you, is therefore not held by the Commission at this time."*

It was our understanding that your request was conditional on the review being completed as per the first sentence of your request. As previously advised, Counsel's review and their report was not complete on 25 August 2021. You were advised that work on the report was still ongoing and the report would be finalised in the coming weeks. It was also stated the completed report prepared by Counsel, as requested by you, was therefore not held by the Commission at that time. It was proposed that if you were content, we could mark your request as 'on hold' and ensure it is activated on the date the report is received. On 26 August 2021 you first mention 'a draft report' in a request. Therefore it would be appreciated if you would confirm if you are now asking for a copy of the draft report held on 24 September or are you content, as per your letter of 16 September, to wait until the Commission receives the completed report following Counsel's review? The latter is expected within the coming days.

Yours sincerely

The Communications Team
Charity Commission for Northern Ireland

