

# **Children in Northern Ireland (CiNI)**

## **Response to**

### **Review of Charities Administration and Legislation in Northern Ireland in 2005**

## **INTRODUCTION**

Children in Northern Ireland (CiNI) is the regional umbrella body for the voluntary child care sector in Northern Ireland.

CiNI represents the interests of its 90 member organisations, providing policy, information, training and support services to members' in their work with children and young people. CiNI has a diverse membership representative of the wide spectrum of voluntary child care organisations across Northern Ireland.

CiNI welcomes the opportunity to respond to the Department of Social Development's consultation on the Review of Charities Administration and Legislation in Northern Ireland. CiNI supports the overall thrust of the proposals outlined in the consultation document aimed at introducing an integrated system of registration and regulation.

CiNI's response is informed by the responses of both the Northern Ireland Council for Voluntary Action (NICVA) and the Committee on the Administration of Justice.

## **CLARITY**

### **Definition of Charity in Northern Ireland**

CiNI notes that the definition of charity is based on that proposed for England and Wales, but includes two specific Northern Ireland additions, that of the promotion of peace; and the promotion of good community relations. CiNI believes that given that both are particularly pertinent in the Northern Ireland context that they should be retained as distinct elements of the definition of a charity in Northern Ireland.

In line with the view of CAJ we would be in support of placing the 'advancement of equality' as a distinct element of the definition, as we recognise that there may be a danger that as it stands in the current proposed definition it may be interpreted as promotion of equality relating specifically to religion and racial harmony.

We believe that given the existence in Northern Ireland of two distinct pieces of legislation relating to human rights and equality and two distinct statutory bodies that this would support the inclusion of the 'advancement of human rights, conflict resolution or reconciliation' and the 'advancement of equality' as two distinct elements of the definition of a charity in Northern Ireland.

In reference to point 13 'the promotion of good community relations', we would advocate that clarification is provided so that this definition is interpreted as widely as possible. Whilst community relations refers specifically to division between the Catholic and Protestant communities in Northern Ireland we would advocate in favour of the concept of 'good relations' provided by Section 75.2 of the Northern Ireland Act 1998 as it is defined more holistically including people of different religious belief, political opinion or racial group.

In line with NICVA's view in relation to point 5 'the advancement of citizenship or community development', we also note that the English Bill clarifies this as including

'rural or urban regeneration; the promotion of civic responsibility, volunteering, the voluntary sector or the effectiveness or efficiency of charities.' CiNI also expects that this will encompass the work of support of support networks and infrastructure bodies within the sector.

CiNI would also support a legislative basis for the public benefit test and agrees that no organisation should be presumed charitable without being tested. CiNI would also concur with NICVA's view that the legislation should include a requirement that the proposed NI Charity Commission is obliged to provide guidance on the public benefit test as it will be applied in Northern Ireland.

## **TRANSPARENCY**

### **Registration of Charities**

CiNI supports a comprehensive Northern Ireland Register of Charities in the interests of promoting transparency, public confidence and accountability. We would support NICVA's comments that the register should be underpinned by a framework of support, guidance and education. CiNI believes that this guidance should specify the nature and extent of information to be held on the public register, and that the information available should only be that which is considered and demonstrated to be relevant to meeting the policy aim of promoting transparency and public confidence.

CiNI recognises that it could have a key role in assisting with a public information campaign, by way of targeting member organisations.

CiNI would support the proposal that charities based outside Northern Ireland, but operating in Northern Ireland, should be required to have at least one trustee resident in Northern Ireland as we believe that there is a significant benefit for such charities in having a sound local understanding of the region in which it operates. Given the unique circumstances of Northern Ireland we believe this would be best captured by a trustee who is resident within the region.

## **ACCOUNTABILITY**

### **Charity Commission**

CiNI supports the proposal for a Northern Ireland Charity Commission to operate the Northern Ireland Register of Charities and act as a charities regulator for all charities operating in Northern Ireland. CiNI supports the creation of a Charity Commission that is entirely independent from Government constituted as a Non-Departmental Public Body (NDPB).

CiNI would also advocate that the Charity Commission is properly resourced to carry out its functions efficiently and effectively.

CiNI believes that an appeals mechanism linked to the Charity Commission is a crucial element in ensuring the credibility of the new body. While we are disappointed that it would appear that more detailed consideration has not been given to an appropriate

appeals mechanism prior to public consultation, we trust that guidance on best practice will be taken from the appeals mechanisms operating in GB.

## **COMPLIANCE**

### **Regulation of Northern Ireland Registered Charities**

CiNI believes that there should be a system of regulation and we recognise that CAJ have raised issues relating to the level of regulation which will be vested in the Charity Commission, we would be keen that further information is provided so that we can give a considered response.

We understand that the regulator is to be the Northern Ireland Charity Commission and therefore that the Charity Commission (not the Department as stated in the consultation document) should have power to waive disqualification; and that the Charity Commission (not the Department as stated in the consultation document) should have the power to require a charity to change its name.

## **THE ADMINISTRATION OF CHARITIES**

Again we defer to NICVA's comments, CiNI supports the proposals made in relation to the administration of charities and see these as necessary to both update and ensure that the system is administratively more effective and efficient.

## **FURTHER CONSULTATION**

CiNI is keen to engage in further consultation on the more detailed provisions of the draft legislation which will take forward the outcomes from this consultation period.