

Response ID ANON-Z2S2-SWYB-P

Submitted to Call for evidence and views on the Charities Bill
Submitted on 2021-09-03 10:00:40

Introduction

1 How would you like your response to be published?

I would like my response to be published.

2 What is your name?

Name:
Aidan Campbell

3 What is your email address?

Email:
aidan@ruralcommunitynetwork.org

4 What is your organisation?

Organisation:
Rural Community Network

Policy Objectives of the Bill

5 Do you think that the Bill will meet the policy objectives? If not, why not?

Yes

Please provide further comments:

RCN believes the Bill will meet the Policy objectives.

6 Do you foresee any unintended consequences of any of the policy objectives of the Bill?

Unsure

Please provide further comments:

Clause 1: Actions of Commission staff treated as Commission actions

7 Do you feel the retrospective effect to make the majority of decisions taken by Commission staff lawful is dealt with sufficiently in the Clause?

Yes

Please provide further comments:

RCN agrees that majority of decisions taken by Commission staff should be rendered lawful by the Charities Bill as most decisions were uncontroversial and were largely administrative in nature.

8 Do you believe that individuals' rights under the ECHR are protected by the fact that decisions still subject to ongoing legal proceedings will not be subject to the Clause?

Yes

Please provide further comments:

RCN agrees that any decisions still subject to ongoing legal proceedings should not be subject to the Clause and that should protect individuals' rights.

9 Do you feel that the Refreshed Appeal Rights in Clause 1 are sufficient?

Unsure

If not, what would you propose?:

RCN agrees that refreshed appeal rights should be made available to charities to challenge the lawfulness of a decision rendered lawful by this Bill. The 42 day limit may be seen as restrictive to allow charities to gather evidence to support their case should they wish to appeal. Most charities in rural areas are run entirely by volunteers with no paid staff available. These charities may find it more difficult to gather evidence to submit an effective appeal within a 42 day window. We suggest the Department consider extending the window for submitting appeals to 3 months.

10 Please provide further comments in relation to Clause 1.

Do you have any other comments in relation to Clause 1?:

Most small charities, especially those in rural communities which are largely run by volunteers, would not wish to go through the Charity Registration process for a second time. RCN hopes that this Bill will ensure that those charities who have already gone through the registration process are "deemed" registered.

We also welcome the fact that the Bill will ensure that any changes sought by charities from the Commission in their purposes since their registration will also be accepted as lawful when the Bill becomes law.

Clause 2: Power of Commission to delegate to staff

11 Do you feel the power of the Commission to delegate to staff certain functions that are listed in a Scheme of Delegation is sufficient?

Yes

12 Please provide further comments on the power to delegate, or the Scheme of Delegation, including: Will it allow Commission staff to operate effectively and efficiently?

Additional Comments on on Scheme of Delegation:

RCN believes that the power to delegate or the Scheme of Delegation should allow Commission staff to operate effectively and efficiently and to allow charities to receive timely information/decisions from the Commission.

We agree that the functions identified at 9A.(2) should not be delegated to staff.

We agree that the Department may make a scheme describing things that may be delegated to staff and identifying the member or members of the Commission staff to whom it may be delegated.

We also agree that the Department must consult the Commission in advance of making a scheme and that the Department must publish such a scheme.

13 Please provide further comments on the fact that it is the Department for Communities who will make and publish the Scheme of Delegation (after consultation with the Commission)?

Any comments on DfC making and publishing the Scheme of Delegation?:

RCN agrees that the Department for Communities should have responsibility for making and publishing the scheme of delegation but that they must consult with Commissioners and Commission staff.

14 Please provide any further comments in relation to Clause 2.

Do you have any other comments in relation to Clause 2?:

The Commission is already under resourced to carry out all of its functions effectively and we would be concerned that this Scheme will result in additional resource issues for the Commission.

The Department should provide additional resources to the Commission to allow for this additional time burden that will be created for both the Commissioners and staff in the Commission.

Clause 3: Power to introduce a registration threshold via regulations

15 Do you feel it is appropriate to have this power in the Bill?

Yes

Please provide further comments:

RCN welcomes the power to introduce a registration threshold using regulations. RCN has a membership of approximately 250 charities across rural NI. Many of our members are small charities, staffed exclusively by volunteers and run on small annual budgets. We raised the issue of a de minimis exemption for Charity registration in our response to the Independent Review of Charity Regulation earlier this year.

Many of these smaller charities found the Charity Registration process onerous and needed the support of "helper groups" from the wider Community and Voluntary sector to navigate the process. The requirement that the registration process be carried out online was another barrier to older trustees and trustees in rural areas who were unable to access broadband. The annual reporting process is also onerous for smaller charities and is, in our view, disproportionate with regard to the level of risk of funds raised being used inappropriately.

16 Please provide any further comments on the list of matters that the regulations will cover? Are there any matters missing from the list?

Any missing matters or other comments:

The Department for Communities should set threshold conditions for exemption from the charity registration process in consultation with the Commission. RCN's view is that the Department should also be compelled to issue any detailed exemption regulations for full public consultation.

17 Please provide any further comments on Clause 3.

Further comments:

It may be worth considering specifying a periodic review of thresholds and regulations for charity registration to ensure that thresholds are kept under review and are meeting the needs of charities as well as ensuring public confidence in charity fund raising is protected.

18 Please provide any further comments you wish to make on the Charities Bill.

Further comments on the Charities Bill: