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Completing an application for charity registration V1.0

If you have any accessibility requirements, please contact us at admin@charitycommissionni.org.uk

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About this handy guide

The Charity Commission for Northern Ireland is responsible for registering, regulating, and reporting on the charity sector in Northern Ireland.

Our vision:
Well run and trusted charities making a difference in peoples' lives.

Our purpose:
enabling charities to do things right through proportionate regulation, best practice, and advice.

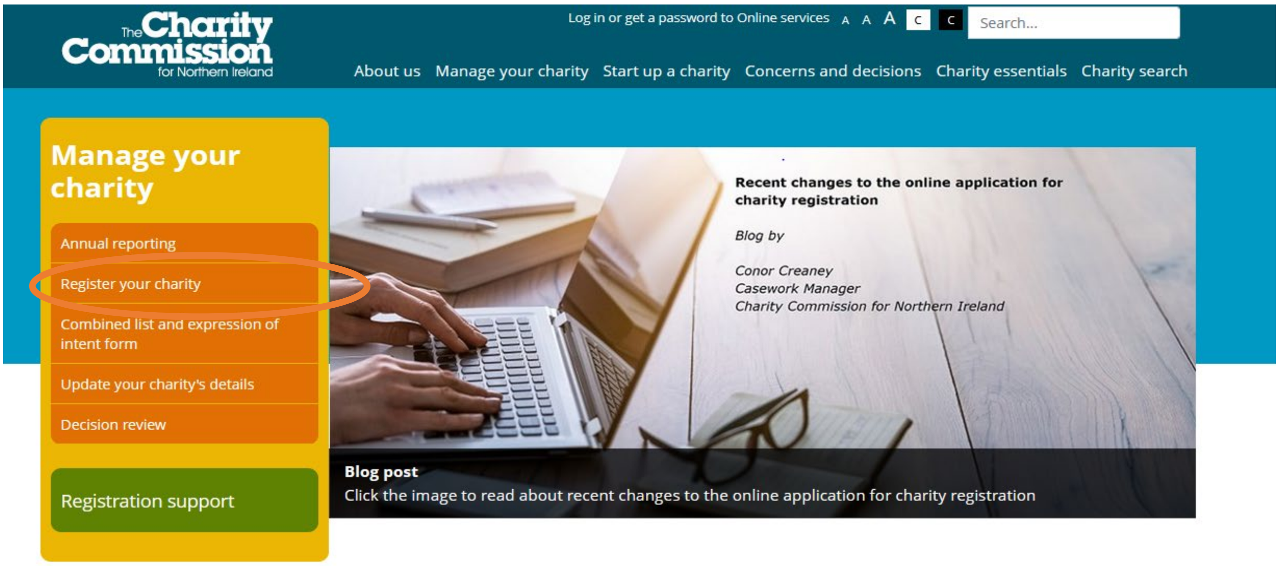
The duty to apply for charity registration sits with the charity trustees of any organisation that is, or may be, a charity. The trustees can delegate the preparation and submission of the application to someone else, for example a volunteer, staff member or a representative, but it is their responsibility to ensure that an accurate application is submitted.

This guidance sets out what information is needed to answer the questions on the online application. Our *Screenshots of the online registration application* guidance shows what the registration system looks like and the Commission's *registration tutorial* video provides a step by step guide to completing the online registration application.

The online application for registration asks questions about what your organisation was set up to achieve, how it is run, its finances and details about its trustees. This information is used by the Commission to decide whether your organisation meets the legal definition of a charity and can be entered on to the *register of charities*. The Commission's *Privacy notice for charity registration* explains how the Commission processes the personal data it collects as part of the application. Our *Retention policy* sets out how long we need to keep information, where it is stored and how and when it will be disposed of.

Section 1: Helpful hints

You will find the online application for registration, by following the link on the homepage of the Commission's website to the *Register your charity* page. The image below shows where to click on the home page.



This will take you to a page with the 'Apply to register' button, as shown below:

To access the online application form, you will need a password. This is issued by the Commission and is unique to your organisation. It is important that you always keep it secure. Log into the system using your email address and password. You can change the password to something more memorable after you log in.

1.1 Moving through the application: From when you first create your registration application you will be able to save and amend information and log in and out as required. You can save your progress by clicking on the 'next' or 'save and exit' buttons, shown below.

1.2 System time out: If there is no activity on the system for 30 minutes, for example you have stopped typing and have not clicked through to the next page, the system will time out and your information will not be saved automatically. This is an important security feature to ensure that information you are entering is kept secure and confidential.

You can also log out at any stage during the process, then return to the application. But you can only do this for **30 days**. This time limit comes from the Commission's data retention policy, which has been developed in line with the UK General Data Protection Regulation (UK GDPR).

The UK GDPR requires organisations not to hold information longer than necessary. Until you submit your application the Commission cannot process it and we cannot retain it on our systems indefinitely. The online system automatically deletes applications which have not been submitted 30 days after they have been started.

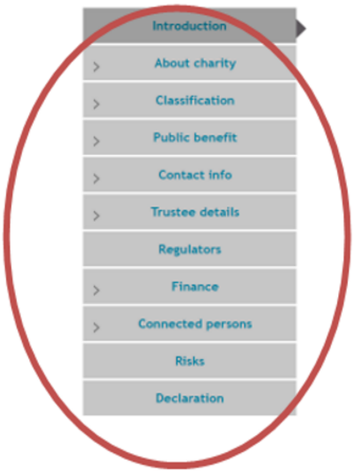
1.3 Symbols used in the application: When filling in your application look for the symbols below.

► Help Click on this button for more information.

P This shows information that will be publicly displayed on the register of charities.

* This shows information that must be completed.

1.4 Tracking your progress:



As you move through the application you will see a progress bar down the left hand side of the screen. Each section will have one of the following two symbols beside it:

✓ This indicates that the section has been fully completed.

This indicates that the section has not been fully completed. You will need to return to this section to complete any outstanding questions to enable the application to be submitted.

You will not be able to submit the application until you have completed each section.

1.5 Word and character limits: Some text boxes provided for your answers have limited space, for example, in the box where you are asked to provide details of your public benefit, a maximum of 6000 characters is allowed, 2000 for the first answer and 1000 for the other answers. This is because this information will appear on the *register of charities* where there is limited space available.

1.6 Uploading documents: To complete the application you will be asked to upload three documents: your governing document, the trustee declaration and a recent bank statement in the name of the organisation.

Documents must be attached in portable document format (pdf). If you do not have a scanner, you can get access to one in your local library or look at the *Helper groups* listed on our website who may be able to help.

1.7 Reviewing and printing a draft: You will be able to review and print a summary of your application at any time before clicking to submit it. You can do this by clicking on the 'print a copy' button at the top of the screen.

Section 2: Filling in the application

The application for registration has a number of parts. This section of the guidance sets out what each section is about and the type of information you will need to answer the questions.

2.1 About the organisation

The first section of the application asks you to enter basic information about the organisation including its name, what its governing document is, and details of its structure. These questions will also determine whether you can apply for registration.

Is the organisation governed under the law of Northern Ireland

You must confirm that your organisation is governed by the law of Northern Ireland. If it is not, you will not be able to continue with your application. You may, however, be required to register in the future. Indicators that your organisation is governed by the law of Northern Ireland include that:

- it was established in Northern Ireland
- it is a company registered in Northern Ireland
- your governing document says that the organisation is governed by the law of Northern Ireland
- a majority of the charity trustees are resident in Northern Ireland and there is no reference to any other legal framework in the governing document.

Organisations which are governed by the law of another jurisdiction but operate in Northern Ireland?

The Charities Act (Northern Ireland) 2008 refers to organisations which operate for charitable purposes in or from Northern Ireland but were established in law outside of Northern Ireland as Section 167 institutions. The Commission cannot call these organisations forward to apply for registration until the Department for Communities has commenced this section of the legislation. We publish a list of s.167 institutions on the Commission’s website, so that potential funders and other stakeholders know they are waiting to apply for registration.

Governing document

A governing document sets out an organisation's purposes and how it is to be run. It may be one of the following:

- A memorandum and articles of association / articles of association.
- A constitution.
- A trust deed or declaration of trust.
- A will.
- A scheme.
- An Act of Parliament.
- Community Benefit Societies.

You will be asked to upload a full copy of your organisation's governing document, in pdf format. You will not be able to submit your application until your governing document has been attached.

The date of your governing document

You will also be asked to enter the date your governing document was adopted or revised. This should be recorded on your governing document. If the date of adoption is not recorded on your governing document, you may find the date contained in the minutes of the meeting adopting the governing document.

Information for charitable companies

If the organisation is a company, you will need to enter your company number. You can also attach your certificate of incorporation, this is not mandatory but can be submitted as supplementary information.

A new charitable company must be registered with Companies House and have a certificate of incorporation before it can be added to the *register of charities*.

If the proposed name of your new organisation contains either of the words 'charity' or 'charitable' Companies House will require written confirmation from the Commission that we do not object before they will issue a certificate of incorporation.

An approved governing document

An approved governing document is a common governing document that has been agreed in advance with a parent or sponsoring body (often an umbrella body) *and* by the Commission as one that is suitable for registration.

A list of approved governing documents is provided in a drop-down list on the application form. If your organisation's governing document is not on this list, then it is not approved.

Replacement

After incorporation or a merger, a charity may be replacing a charity that has already been registered with the Commission. You will be asked to enter the name or charity number of the charity you are replacing; you will be able to search for this.

Your organisation's name.

You must provide your organisation's main name exactly as it appears in your governing document as well as any working name or acronym. There is a button which you must click to check if the name you have entered is already in use on the *register of charities*. If it is, you will still be able to complete your application however you will be required to provide an explanation, if possible, in the special circumstances box at the end of the form and the casework officer who is assigned to your application will raise the matter with you.

The Commission has produced guidance on *Changing your charity's name*.

Acronym: Your organisation may use, or plan to use, an acronym of your name, for example Acsoni (African and Caribbean Support Organisation Northern Ireland). Members of the public will often search the *register of charities* using an abbreviation or acronym rather than a full title of a charity.

Working name: Some organisations are better known by a working name, for example Down Right Brilliant (Newry And Mourne Down's Syndrome Support Group) and members of the public may be more likely to search the *register of charities* using a working name.

You must also tell us if the name contains any non-English words and, if so, a translation will be required.

Your organisation's purposes:

An organisation's purposes are what it is set up to achieve. Your governing document might call them objects, aims or goals. Unless the Commission has previously approved your governing document, you must enter the purposes from your governing document in the free text box provided. Enter the purposes exactly as they are written in the organisation's governing document.

2.2 Classifications

These classifications are intended to make it easier for potential donors and other interested parties to find a particular charity on the register of charities. You will be asked to select:

Which: of the descriptions of 12 charitable purposes in the Charities Act does your organisation fit under?

A list of the descriptions of charitable purposes as set out in the Charities Act are provided. You must select at least one description. A help note will appear and a list will drop down to help you refine your classification. Only if you choose the relief of those in need or the prevention of poverty will no further drop down appear.

How: does your organisation try to fulfil its purposes?

A list of activities is provided, and you will be asked to select at least one category to describe the main focus of your organisation's work and activities undertaken to further its purposes.

Who: are your beneficiaries?

A list of potential beneficiaries is provided, and you will be asked to select at least one category to describe your organisation's beneficiaries. If your beneficiaries do not appear on this list, you can select 'Other' and a text box will appear to let you describe them.

Below is an example of how an entry might read after selecting from the drop downs.

Which: The advancement of education. Pre-school education.

How: Playgroup/nursery

Who: Children/young people

Where your organisation operates.

You must tell us the area where your organisation operates or, if you are not yet working, intends to operate. The area where your organisation operates means the geographical area where your funds are used, rather than the place where your administrative headquarters are. For example, if the organisation was set up to run an orphanage in a developing country, but has its base in Belfast, then it is the name of the developing country and not 'Belfast' that is required.

You can select your areas of work from a list on the online system. If you are registered and your geographical area of work changes, you must update the entry on the register of charities.

Carrying out the purposes

You will be asked to tell us how the organisation carries out its purposes. This is where you can set out the activities you undertake to fulfil your purposes.

2.3 Public benefit

Providing a public benefit is an essential part of being a charity. When applying for charity registration charity trustees must have regard to the Commission's *Public benefit requirement* statutory guidance. You must tick a box to confirm that the organisation's charity trustees have read the guidance. You may also find the public benefit supporting documents on each of the 12 descriptions of charitable purpose useful when completing the questions in this section.

You will be asked to provide information on how the organisation meets the public benefit requirement by answering five questions:

- What are the direct benefits flowing from your organisation's purposes?
- How can the benefits identified above be demonstrated?
- Is there any harm arising from the purposes?
- Who are the charity's beneficiaries?
- Is there any private benefit flowing from any of the purposes? Is it incidental and necessary?

Examples of good and poor responses to these questions are available in the *Purposes and public benefit toolkit*. The toolkit helps you to address each of the key elements of public benefit. Applicants using the toolkit tend to submit much better statements.

The information you provide here will appear on the *register of charities* if your application is successful.

Do not include details of your fundraising activities or trustees' powers here, as these are requested elsewhere.

You will have an option to attach any document, such as a business plan, that sets out how the organisation carries out its purposes. This is not compulsory and will not be published.

Charging fees: This part of the application asks whether the organisation charges membership fees or fees to access services or facilities. The information provided here is not made public.

It is a principle of charity case law that if the charges set by a charity are more than 'the poor can afford', the charity trustees must make provision for the poor to benefit. Charity law recognises that 'the poor' is a relative term which depends upon the circumstances. It does not mean only the very poorest in society but can include people of modest means.

It is up to the charity trustees to decide what provisions to make for the poor to benefit. Any provision they make for the poor must be related to the charity's purpose and must be more than minimal or 'tokenistic'. Otherwise, the charity is not being operated in accordance with the public benefit requirement. For example

- a charity offers reduced fees or other financial support to enable the poor to benefit from its services
- a university offers means tested bursaries or other types of assisted places
- a fee-charging school shares its sports facilities with non fee-charging schools
- an art gallery offers concessionary tickets.

In most cases charging fees is an operational matter which does not present an obstacle to charity registration. However, if an organisation's purposes refer, directly or indirectly, to a power to levy a charge the Commission will have to consider this as part of the assessment of the application for charity registration. The Commission will need further information in this case so that we can assess whether such organisations are established for exclusively charitable purposes.

2.4 Contact information.

In this section of the registration form, you must provide details of the main contact for the application while it is being processed, the main contact for the organisation if it is registered, and the public address of the organisation.

Contact for the application: Enter the details of the person who will be the point of contact for your application. This could be a charity trustee, employee or volunteer. Alternatively, it could be your legal adviser or someone else not directly involved in the organisation itself. This is the only person, other than named charity trustees, with whom we will discuss the application.

The contact may be an organisation rather than an individual, for example, if you have a corporate trustee or are represented by an organisation such as a firm of solicitors or an umbrella body.

Contact for the organisation: If the contact person for the organisation is also the contact person for the application, you can click on the 'find contact' button to provide that person's details. The system will automatically populate the form with the organisation's contact details. If the contact for the organisation is different from the contact for the application, you can enter the relevant contact details for the correct person in this section. The contact details provided here will appear on the public *register of charities* as the contact details for the organisation.

You will be asked for two different emails, one is for the public register and the other is for Commission use only. Please think carefully about the email address that you provide for Commission use, as this is the email the Commission will use to contact the charity with, for example reminders of when their annual report is due or other alerts.

The organisation's public address: This information will normally be published to the online *register of charities*. In most cases, this will be the address from which the organisation operates and will also be the contact address for the organisation. The purpose of the public address is to enable members of the public, other interested parties and the Commission to contact the charity so make sure that you enter the full address and postcode.

If you consider there is a risk in providing your main or operating address, for example if it is the address of a women's refuge, or if it is a private, residential address, then you should contact us to discuss your requirements. If we agree that the address can be withheld, you will be required to enter an alternative address for the register, for example, a PO Box address or a 'care of' address.

If you have a website or social media profile, we would like to be able to include this on the *register of charities*. This provides a useful point of contact for members of the public to gather more information. You can also provide an email for public display. This can be the same email you want the Commission to use to contact you.

2.5 Charity Trustee details

In this section you must provide details of all the current charity trustees of the organisation. Only the name of each trustee will be shown on the *register of charities*. The rest of this information is held for our records and to enable us to regulate effectively. In very exceptional cases a charity trustee's name may need to be anonymous. The Commission will deal with these on a case by case basis and ask for evidence of any risk of harm to the charity trustee if their name appears on the register.

Number of charity trustees: You will be asked how many charity trustees the organisation currently has, and the minimum number required as stated in the organisation's governing document.

Best practice is that you should have a minimum of three individual charity trustees, but the legal requirement is a minimum of one charity trustee or one corporate trustee or trust corporation. In some circumstances, you may have both. If the governing document does not state a minimum number of charity trustees, then you should enter the number '1' in answer to this question as that is the minimum required in law.

It is important to check that the number of charity trustees on the application corresponds with any minimum or maximum number set out in your organisation's governing document. If there are fewer charity trustees than that required in the governing document, you will be asked to explain why this is the case.

All the charity trustees listed on the application must also sign the trustee declaration.

Details of charity trustees: You will be asked to enter details of all of the charity trustees. The Commission encourages organisations to collect this information in advance, so that it can be added to the application without any undue delay. You should follow your data protection policy in relation to the gathering and retention of this information.

You must provide a full set of details for each trustee including:

- all current and previous names, for example maiden name
- title
- date of birth
- home address and postcode
- individual email address
- individual mobile number
- whether the charity trustee is the chairperson of the organisation.
- whether the charity trustee also acts as a charity trustee for another registered charity.

If the charity does not have a personal mobile number or an alternative number for a charity trustee, you will be asked to select the check box declaration to confirm this. You will be asked to make the same declaration if a charity trustee does not have an individual email address. The Commission will agree an alternative form of contact with any charity trustee who cannot provide contact details for a reason related to disability or some other special circumstance. For example, the Commission will agree to use the form of contact which the charity uses.

The following questions will be asked about the charity trustees' relationship to the organisation. There will be guidance notes to give examples of what is meant by the questions:

- is this charity trustee currently or will this charity trustee be employed by the organisation?
- Does or will this charity trustee receive payment for providing goods or services to the organisation?
- Does this or will this charity trustee receive any other personal benefits from the organisation?
- Does this or will this charity trustee receive any other personal benefits from the organisation?

A checkbox will also ask whether the charity trustee is eligible to act as a trustee of the organisation.

This question is asked as some people are barred from acting as a charity trustee for example a person who has been declared bankrupt but have not yet worked their way out of the bankruptcy

Information on what disqualifies a trustee from acting can be found in our *Registering as a charity in Northern Ireland guidance*.

Trustee declaration: Once you have entered the details of each of the organisation's charity trustees, attach the organisation's completed and signed trustee declaration.

You must also check the box to confirm that all details provided in this section are correct.

2.6 Other Regulators

Here you will be asked if you are registered with HMRC for charitable tax purposes. If so, you will be required to provide your HMRC number. If your organisation is a company, you will be required to provide your company registration number and upload your certificate of incorporation at this section also.

You will also be asked if your organisation will be regulated by any other sector regulator. You will be able to select from a list of regulators, for example Companies House, the Health and Safety Executive, the Regulation and Quality Improvement Authority.

In addition, you will also be asked if your organisation is registered with the Fundraising Regulator.

The last question in this section asks whether you have reported a data breach to the Information Commissioners Office within the last 12 months.

2.7 Finance

In this section of the application, you are required to provide details of the organisation's income, its bank details and how it raises its funds. The online form will not let you bypass these particular questions within the Finance section.

Income and bank details:

If your organisation has existed for more than one year:	You must enter the gross annual income from the last set of financial accounts and year to date income. If no figure is available a zero will allow submission of the form.
If your organisation is newly established:	You must enter the estimated gross annual income and year to date income. If no figure is available a zero will allow submission of the form.

When entering information on income insert numbers only leaving out any commas or spaces. Note that gross annual income includes income from all sources including income from non-charitable trading activities of subsidiary entities consolidated into group accounts.

Enter details of the organisation's main bank account including the sort code, account name and account number. The name on the account must be the same as the name of the charity. Once you enter your sort code you can click the 'look up' button and the name and location of your bank will be displayed. For a building society account, you must enter your building society's name, account or roll number and the name that the building society account is held in. You only need to enter details for one account. These details are confidential and for internal use by the Commission only. They will not be made public on the *register of charities*.

You must also upload a recent bank or building society account statement for the organisation dated in the last three months. You can choose to upload your organisation's latest accounts on this page however this is optional.

Funding:

You must tell us the organisation's next financial year end date and provide some information on how your organisation raises, or intends to raise, funds. It is important to get this date right as it will be used to send automated reminders of when your annual reports are due.

Connections:

This section of the application asks whether any of the following is, or will be employed by the organisation:

- Founder, person who established the organisation
- Person(s) related to one of the charity trustees
- Person(s) related to the Founder
- Organisation(s) connected to the charity trustee(s)
- Organisations(s) connected to the Founder
- Charity Trustee
- None.

The purpose of this question is to identify where a relationship could give rise to an actual or perceived conflict of interest. The information provided in answer to this question is not made public. It is the trustees' responsibility to determine whether an individual or organisation is a Connected person.

2.8 Managing risks

In this section of the application, you are asked to provide details of risks that the charity trustees are aware of and how they are managed. The information provided is not made public but is important information for the Commission.

You are asked whether the charity trustees, or anyone else, have identified any risks of possible detriment or harm that might result from the organisation's purposes or activities. If any risks are identified, explain who identified the risk, the nature of the risk, and what the organisation is doing, or plans to do, to minimise any detriment or harm.

2.8.1 Working with children, young people and/or adults at risk of harm

The charity trustees must read the guidance in this section about the safeguarding of children, young people and/or adults at risk of harm. You can read this guidance by clicking on the blue help button. A reference to "child" or "children" means a person who is younger than 18 years of age. Check the button to confirm that the charity trustees have read and understood the guidance.

You will have to declare whether your organisation works with children and/or adults at risk of harm and, if so, whether the charity trustees are satisfied that they have the necessary protection policies, procedures and checks in place to do so.

The law surrounding the safeguarding of vulnerable groups is complex and it may be difficult for charities to understand how it applies to them. Requirements relating to individuals who work with children and/or adults at risk of harm are established within safeguarding legislation for Northern Ireland. Obligations to safeguard children and young people and promote their welfare are also contained in international law. Charity Trustees of charities that work with children or adults at risk of harm are responsible for ensuring their organisation complies with the law.

Organisations that work with children and/or adults at risk of harm must have the necessary protection policies and procedures in place. Charity Trustees must also ensure that their staff and volunteers receive training and support in their use. Further information on AccessNI checks and safeguarding standards is available from, the *Department of Health*, *NIdirect* and *Volunteer Now*. Key guidance documents can also be downloaded from the *Commission's website*.

2.9 Declaration and submitting your application.

At the bottom of this page, you will see the reference number that relates specifically to your application. You will need to provide this number if you are contacting us about your application.

Before submitting your application, you have an option to attach any other supplementary documentation. You can also indicate if there are any special circumstances concerning your application that you wish to bring to our attention. For example, if:

- the organisation is not yet operating
- the organisation's purpose is novel, innovative or controversial
- there may be significant media, political and/or other interest in your application
- any charity trustee or contact person has accessibility requirements.

Applicants may also include details of any errors made during the application that could not be corrected. This will show us that you are aware of the mistake and enable you to provide the correct information.

Finally, you must check a box to certify that all information provided has been checked by the charity trustees and is complete to the best of your knowledge, and that all charity trustees agree to the submission and have read and accepted the Commission's *Privacy notice*.

If, when you click to submit, you have not entered all of the information required you will receive an error message and the system will guide you back to complete those sections where information is missing.

2.10 What happens next?

Once your application is submitted, the following emails will be sent confirming submission:

- The contact person for the application will receive an email confirming receipt of your application. They, and the contact for the organisation, (if different to the contract for the application), will both receive a pdf summary of all of the information you have provided in the application.
- If the contact for the organisation has any queries on the pdf record of the application, these should be raised with the Commission via the contact for the application.
- All named charity trustees who have supplied an email address as part of their charity trustee details, and the contact for the organisation, will also receive an email attaching a pdf record of the information provided in the application. If the charity trustees have any queries on the pdf summary of the application, these should also be raised with the Commission via the contact for the application.

The Commission will review all of the information you have provided in your online application and any supporting documentation.

You will be asked to complete a short (10 minute) survey providing feedback on your experience of the registration application process. Your views are important to us in helping to improve the process for others and the views of applicants have already resulted in amendments to the system and additional/changes to guidance being produced or implemented.

Freedom of information and data protection

As part of its work the Commission is lawfully required to collect and process personal data. Your personal details will be treated as private and confidential, and will only be retained for as long as is necessary in line with our *retention policy*. You may want to read the Commission's *Privacy notice* which explains what we do with personal data and your rights in relation to that processing.

The Freedom of Information Act 2000 gives members of the public the right to know about and request information that we hold. This includes information received from third parties. If information is requested under the Freedom of Information Act we will release it, unless there are relevant exemptions. We may choose to consult with you first. If you think that information you are providing may be exempt from release if requested, please let us know.

For further information:

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