



MEMORANDUM OF UNDERSTANDING

**THE CHARITY COMMISSION FOR
NORTHERN IRELAND**

AND

THE FUNDRAISING REGULATOR

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Section 1- Introduction

1. This Memorandum provides a framework for close working between the Charity Commission for Northern Ireland ("the Commission") and the Fundraising Regulator.

Section 2- Objectives of the memorandum

2. Both the Commission and the Fundraising Regulator are fully committed to the objectives of this Memorandum, which are to:
 - promote a common understanding of the Commission and Fundraising Regulator responsibilities, working procedures, legal powers and constraints
 - promote co-operation between the Commission and Fundraising Regulator staff at a strategic and operational level
 - facilitate effective investigation and where permitted the disclosure of information with the objective of preventing, detecting and remedying misconduct or mismanagement in the administration of charities and charitable funds with regard to fundraising and the safeguarding of funds held for charitable purposes
 - facilitate effective investigation and where permitted the disclosure of information relevant to the effective assessment and analysis of research and information on fundraising issues; and
 - ensure appropriate consultation on matters of relevant and significant policy initiatives to ensure that charities comply fully with their legal obligations and adopt best practice in governance and accountability.
3. This Memorandum is a statement of intent that does not give rise to legally binding obligations on the part of either the Commission or the Fundraising Regulator.

Section 3- Functions of the Commission

4. The Commission is established under the Charities Act (Northern Ireland) 2008 ("the 2008 Act") and is the statutory regulator and registrar of charities in Northern Ireland.

5. The Commission objectives are defined in section 7 of the 2008 Act as follows:
- the public confidence objective is to increase public trust and confidence in charities;
 - the public benefit objective is to promote awareness and understanding of the operation of the public benefit requirement;
 - the compliance objective is to promote compliance by charity trustees with their legal obligations in exercising control and management of the administration of their charities;
 - the charitable resources objective is to promote the effective use of charitable resources; and
 - the accountability objective is to enhance the accountability of charities to donors, beneficiaries and the general public.
6. The Commission's general functions as set out in section 8 of the 2008 Act include:
- determining whether institutions are or are not charities;
 - encouraging and facilitating the better administration of charities;
 - identifying and investigating apparent misconduct or mismanagement in the administration of charities and take remedial or protective action in connection with the misconduct or mismanagement;
 - obtaining, evaluating and disseminating information in connection with the performance of any of CCNI functions or meeting any of its objectives; and
 - establishing and maintaining an accurate and up-to-date register of charities.
7. In carrying out its functions the Commission will have regard to the principles of best regulatory practice, including the principles under which regulatory activities should be proportionate, accountable, consistent, transparent and targeted only at cases in which action is needed.
8. In pursuance of its objectives and functions, the Commission maintains a register of charities. Every organisation which is a charity under the law of Northern Ireland must register in the register of charities. The Commission's jurisdiction extends to all registered charities and unregistered charities. The terms "charities" and "charitable purposes" refer to organisations and purposes which are

exclusively charitable under the law of Northern Ireland. They will include charitable collections and charitable funds held or managed by any person or organisation.

9. Charitable fundraising is self-regulated by the Fundraising Regulator, which sets and enforces clear standards of conduct for fundraising through the Code of Fundraising Practice. Complaints about poor fundraising practice are dealt with in the self-regulatory system but the Commission can and does intervene in some cases involving fundraising where there are wider charity governance concerns. The nature of the intervention will depend on the seriousness of the concern. The Commission's focus in dealing with fundraising concerns will be the charity trustees and compliance with their legal duties. The Commission has a role in fundraising cases where there is evidence that the charity trustees' actions or failings, in carrying out their duties to the charity, pose a serious risk to the charity or if there is evidence of a serious risk to charitable funds, or to public trust and confidence.
10. The Commission's interest in fundraising may arise whether or not the fundraising is carried out directly by the charity, by a subsidiary trading company fundraising on behalf of the charity, or by another person or organisation on the charity's behalf.
11. Most concerns that the Commission identifies in charities are dealt with as operational compliance cases. These cases are not formal investigation but are aimed at ensuring trustees address any failures and weaknesses in their charity's management. Statutory inquiries may be opened in accordance with the Commission's risk framework where there is a high risk to public trust and confidence in the charity, where there is evidence of misconduct or mismanagement of a charity's assets, reputation, service or beneficiaries are at a high risk of harm or abuse. Opening an inquiry allows the Commission the full range of enforcement powers. The Commission also undertakes proactive and reactive monitoring of charities which give rise to concern.
12. The Commission collaborates with police and law enforcement agencies, for example in cases of fraudulent fundraising.
13. The Commission has powers for the protection of charities [and may consider using these when dealing with the situations above], although they can only be used in certain circumstances and in an inquiry. These powers are listed at Appendix B.

14. The Commission also has extensive information-gathering powers. It may:

- a. order anyone to provide the Commission with information in his or her possession which is relevant to the discharge of any of its functions;

and

- b. direct anyone to provide written statements, or written answers to questions concerning any matter which it is investigating about which that individual has or can reasonably obtain information.

15. Failure to comply with such a direction is punishable as a contempt of court. Providing false or misleading information to the Commission is a criminal offence (section 25 of the 2008 Act). However, information acquired by the use of these powers can only be used for the purpose for which the powers were given.

Section 4- Functions of the Fundraising Regulator

16. The Fundraising Regulator is the independent regulator of charitable fundraising in England, Wales and Northern Ireland. Our vision is a society where charitable fundraising is legal, open, honest, and respectful, so that people have confidence and trust in fundraising and charitable fundraising thrives.

17. The mission of the Fundraising Regulator is to:

- Inform and protect the public, donors, potential donors and beneficiaries
- Take action to continue to improve standards in fundraising
- Use our knowledge and insight to support excellent standards of fundraising now and in the future
- Sustain and enhance public confidence in charitable fundraising

18. The Fundraising Regulator's general functions are:

- Owning, setting, maintaining and promoting the standards for fundraising in the Code of Fundraising Practice in consultation with the public, fundraising stakeholders and governments across the UK.
- Investigating complaints about fundraising where the fundraising has caused harm or has the potential to cause harm, considering whether there has been a breach of the code and taking action as necessary.
- Maintaining a public Fundraising Directory of all fundraising organisations that have registered with us to show which organisations have committed to the code and excellent fundraising.
- Enabling people to stop the direct marketing contact they receive from fundraising organisations by using the Fundraising Preference Service (FPS).
- Continually reviewing the fundraising landscape and responding proactively and preventatively to emerging or unaddressed issues.

Section 5- Sharing of information

19. Section 24(1) of the 2008 Act deals with disclosure **by** the Commission.

20. Section 24(1) of the 2008 Act enables the Commission, at its discretion, to disclose any information to any relevant public body or office-holder in connection with any of the Commission's functions if (a) the disclosure is made for any purpose connected with the exercise of the Commission's functions, or (b) for the purpose of enabling or assisting the public body or office-holder to exercise any functions.

21. The Commission does not recognise the Fundraising Regulator as a public body at this time. Therefore the Commission is unable to rely on section 24(1) of the 2008 Act to share information with the Fundraising Regulator.

22. The Commission considers that the Fundraising Regulator does meet the wider definition of a 'public authority' and therefore the Commission may receive information from the Fundraising Regulator under section 24(2) of the 2008 Act.

23. Section 24(2) of the 2008 Act deals with disclosure of information **to** the Commission. Section 24(2) permits any public authority, at its discretion, to disclose information to the Commission if the disclosure is made for the purposes of enabling or assisting it to exercise any of its functions.
24. The Fundraising Regulator has what may be construed as public functions in obtaining information about the sector, providing advice and guidance and assisting in standards for fundraising. The functions of the Fundraising Regulator which ensure and maintain standards of charitable fundraising are likely to assist and/or complement the Commission in discharging its objectives and functions, including its compliance and public trust and confidence objectives.
25. To assist the Fundraising Regulator the Commission may share, in confidence, operational strategies and policies and general information on charities including fundraising issues under s.8(2)(5) of the 2008 Act which permits the Commission to disseminate information in connection with the performance of any of the Commission's functions or meeting any of its objectives.
26. The Commission may also share with the Fundraising Regulator information which is publicly available, including that which is published on the Register of Charities for Northern Ireland <http://www.charitycommissionni.org.uk/charity-search/>. For example, the status of charities (whether registered or removed), the activities of a charity and where it is able to operate, main contact details, the financial history, and whether there is a public statement regarding the opening of an inquiry.
27. To assist the Commission in the discharge of its objectives and functions, the Fundraising Regulator may, at its discretion and in accordance with section 24(2) of the 2008 Act, share information on charities about fundraising issues and more generally.
28. This may include, to:
- provide information in response to a specific request from the Commission about ongoing cases in the Fundraising Regulator's complaints process where it will assist in the Commission's case to disclose such information

- notification that a complaint is being referred to the Complaints and Investigations Committee as part of an investigation
- notification of the outcome of a case before it is made public
- notification of a charity that has failed to comply with the Fundraising Preference Service and will soon be made public
- details of those organisations whose applications for registration to the Fundraising Regulator have been refused and a summary of the reasons
- where the Fundraising Regulator has concerns about the charitable status or an organisation that it is involved with
- to inform the Commission if it discovers an organisation which is promoting itself as charitable, but which is not registered with the Commission or if it discovers an organisation that it believes should be a registered charity; and
- share concerns it has about fundraisers, or other individuals whose conduct in connection with charity fundraising is such that either a) it may give rise to their fitness or suitability to act as a charity trustee and so the Commission may wish to consider discretionary disqualification or b) there is otherwise a significant risk or impact on a number of charities.

29. In the event that the Commission is aware of key information which has been provided to it by another body the Commission may consider contacting the public bodies or prosecuting agencies to request the information be provided directly to the Fundraising Regulator and/or to notify them of the Fundraising Regulator's potential interest.

30. Nothing in this Memorandum commits either party to disclose information nor imposes upon the Commission or other person or organisation a duty to disclose information.

31. The Commission and the Fundraising Regulator agree that there will be no further dissemination or disclosure of disclosed information without the express written consent of the party that disclosed the information.

32. Both the Commission and the Fundraising Regulator will ensure that any disclosure of information under the terms of this Memorandum is carried out in a manner that is compliant with the Freedom of Information Act 2000, the Data Protection Act 2018, the UK GDPR, and the Human Rights Act 1998.

Intelligence sharing

33. The Commission and the Fundraising Regulator will share thematic intelligence of emerging trends or potential regulatory gaps in fundraising regulatory compliance identified through their respective day-to-day work. These trends should relate to thematic sectoral issues rather than about specific organisations. The Fundraising Regulator will share Intelligence Reports with the Commission. The Commission will share relevant regulatory intelligence reports with the Fundraising Regulator.

Section 6- Freedom of information

34. The Commission is obliged to comply with the Freedom of Information Act 2000 ("FOIA"). If the Commission receives a FOIA request for information provided to it by the Fundraising Regulator it will inform the Fundraising Regulator of the request. The Fundraising Regulator will then inform the Commission whether it considers that the information should be released under FOIA and if not the Fundraising Regulator will provide the Commission with details of which exemptions it considers may apply within the statutory timescales provided for in FOIA to assist the Commission in its decision making. Any final decision in relation to an FOIA request to the Commission is a matter for the Commission.

Section 7- Data protection

35. For the purposes of the Data Protection Act 2018 ("the DPA") and the UK GDPR, the Fundraising Regulator is the data controller for all personal data it holds in order to fulfil its own functions. The Fundraising Regulator will become the data controller for any personal data it may receive from the Commission as part of any information disclosure. It is however unlikely that the Commission will disclose any personal data to the Fundraising Regulator given the constraints of the 2008 Act.

36. The Commission is the data controller for all personal data it holds in order to fulfil its own functions. The Commission will become the data controller for the personal data it receives from the Fundraising Regulator as part of any information disclosures.
37. The Commission and the Fundraising Regulator will undertake all reasonable steps to ensure that the personal data held by them and supplied to them will only be processed (including internally) in accordance with the DPA.
38. The originating party will remain the owner of the information. It is important that any information received by the other is not disseminated to any other third party without the written permission of the originating party. Information passed between the parties is to be used only for the purposes that it was shared. If the originating party gives written permission for the information to be disclosed to a third party, the origin of the information should be made clear to the third party, in order that they can take appropriate action on flagging the origin of the information on their own internal systems.
39. Where the Fundraising Regulator wishes to share information on individuals, this information will be kept to the minimum necessary to facilitate the purpose for which the information is shared. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or purposes.
40. Information will be provided to the Fundraising Regulator on the condition that it is handled as per the Fundraising Regulator's own Data Management Policy. The Fundraising Regulator will retain information supplied by the Commission only as long as there is a business purpose to do so and not longer than is necessary for the Fundraising Regulator to perform its functions. Where the Commission material is used to inform a specific research paper, it will be clearly referenced. The Fundraising Regulator will store information provided securely on accredited IT systems which can only be accessed by Fundraising Regulator and approved individuals. Records of individuals and institutions on the Fundraising Regulator databases and systems will be reviewed every 2 years from creation and considered for deletion. It is the responsibility of Fundraising Regulator to ensure this occurs.

41. Information will be provided to the Commission on the proviso that it is handled as per the Commission's information handling policies under the same conditions as outlined in paragraph 40. It is the responsibility of the Commission to ensure this occurs.
42. Information shared through this agreement will attract a protective marking under the Government Protective Marking System of at least OFFICIAL.
43. Any information shared under this Memorandum should only be viewed by those individuals with appropriate vetting and a valid 'need to know' that information.

Section 8- The referral process

44. Where the Commission receives a concern about fundraising it will advise the complainant to direct their concern to the Fundraising Regulator.
45. The Fundraising Regulator will initially assess all complaints about fundraising and will retain any concern that relates to fundraising alone. The Fundraising Regulator will refer to the Commission the following fundraising cases that also demonstrate evidence of:

Serious concerns about trustee conduct including:

- significantly poor governance
- criminality which exposes related concerns about misconduct and mismanagement in the administration of a charity - fraud, theft, false accounting, tax fraud (including the making of fraudulent Gift Aid claims), or failing to obtain legal authority to fundraise
- trustee action or failings or oversight that present a serious risk to the charity, its reputation or assets
- failure to control or manage conflicts of interest
- misuse of a charity and its fundraising literature to promote extremism (it is not acceptable for charities to promote or use literature which is extremist in nature or radicalising material)

- connection to proscribed or designated organisations, persons or entity (a charity must not provide funding or support to a partner organisation that exposes beneficiaries to activities which directly, or indirectly, promote terrorism. This is so, even if the charity's funding or support were used for legitimate humanitarian aid or other charitable activities. Aside from the risks of committing criminal offences under UK legislation, this is also likely to amount to misconduct on the part of the trustees in managing and administering the work of the charity)
- hosting or promoting inappropriate material on website, social media or fundraising literature
- poor due diligence including lack of records, proper systems or control or monitoring of end use of funds.

Serious concerns about the financial management of the charity including:

- how funds are being spent/not spent (low charitable spending)
- significant financial loss
- financial mismanagement (poor investments, pension deficits, insufficient reserves, qualified examination/audit reports)
- failure to protect and account for all funds raised.

Serious breach of trust including methods of fundraising which are inappropriate for a charity, which would be a breach of trust and pose a significant risk to public trust and confidence.

Serious concerns that a charity is not being used for exclusively charitable purposes/was set up for illegal or improper purposes or for significant private advantage.

Repeated failure by a charity to take adequate action to address rulings set by the Fundraising Regulator, in particular an inability to address decisions of the Fundraising Regulator's Complaints and Investigations Committee.

46. The Fundraising Regulator may at any later stage refer a concern for consideration by the Commission, should new information come to light during the handling of a complaint.

Section 9– Information Disclosure Process

47. In order to facilitate the flow of information, the Commission and the Fundraising Regulator agree that all operational referrals and requests for information under the terms of this Memorandum will be dealt with promptly by members of staff appointed to act as Single Points of Contact (“SPOCs”).
48. Requests for information by the Fundraising Regulator to the Commission about a new matter must be made via the Commission’s SPOC. Requests for information by the Commission from the Fundraising Regulator should be sent to the Fundraising Regulator’s SPOC (See Appendix A).
49. The SPOCs will aim to ensure that:
 - the disclosure of information is processed with an appropriate degree of uniformity and speed
 - under normal circumstances, both parties will agree to provide a response within 10 working days of receiving a high priority request and 30 working days for non-high priority
 - if a quicker response time is required, this will be stipulated on the request. It will also be advisable to speak to the relevant SPOC to ensure the response time is possible
 - any general information, announcement or warning that either the Commission or Fundraising Regulator considers will impact directly on the other must be brought to the attention of the other; and
 - information is disseminated appropriately within the Commission and the Fundraising Regulator
50. The Commission and Fundraising Regulator will disclose information – up to and including Official – in accordance with the agreed data handling and data exchange controls.
51. Both parties will ensure that all disclosures are appropriately protected using the Government Security Classification (GSC) system as follows:
 - Official – The majority of information that is created or processed by the public sector.

- Secret – Very sensitive information that justifies heightened protective measures to defend against determined and highly capable threat factors.
- Top Secret – The most sensitive information requiring the highest levels of protection from the most serious threats.

Section 10- Other designated points of contact

52. Operational referrals and requests for information should be channelled through the SPOCs as detailed above. However, in order to ensure that other matters are handled at the appropriate level, and that policy considerations are taken fully into account, contact between the Commission and the Fundraising Regulator may also be established between designated points of contact at an operational, legal or policy level. Where they consider it appropriate, designated points of contact may delegate ongoing liaison to members of their staff.

Section 11- Escalation protocol

53. There may be occasions when each party to this Memorandum encounter difficulties. This should be resolved locally by the listed SPOCs in the first instance. However, if this is not possible then the posts identified in the protocol at Appendix A must be contacted.

Section 12- Liaison at strategic level

54. Representatives of the Commission and the Fundraising Regulator will hold strategic meetings at a senior level at least once a year or such other frequency as is thought appropriate. The aims of these meetings will be to:

- discuss common policies and strategic issues arising from operational matters and areas of joint interest
- discuss problem areas and developing trends in charity abuse and exploitation
- update or consult on development of relevant law, policy and practice; and
- review how joint working under this Memorandum is working and the overall effectiveness of the liaison and collaboration between the parties

55. Additional meetings or working groups may be convened as necessary, involving appropriate key staff, to address these and other issues arising. When appropriate, the Commission and the Fundraising Regulator may invite other interested organisations and statutory regulators to participate in meetings and consultations.
56. Any disagreement arising from the interpretation of this Memorandum will be referred to the appropriate level indicated by the escalation protocol. The Memorandum will be amended if necessary to reflect the agreed outcome of the disagreement.

Section 13- Liaison at operational level

57. Relevant operational officers in the Commission and the Fundraising Regulator will meet as required to monitor the effectiveness of liaison, to discuss operational issues generally and identify any issues which give rise to broader policy considerations.

Section 14- Other assistance

58. The Commission will, where appropriate, and subject to available resources, provide guidance to the Fundraising Regulator on the interpretation of charity law. Where appropriate and if resources are available, the Fundraising Regulator will provide guidance on the Code of Fundraising Practice, product development, points of law, procedure and operational action on fundraising matters.
59. As part of their respective staff training programmes, both the Commission and the Fundraising Regulator will ensure that their staff are made aware of the differing organisational, operational and legal frameworks. In order to facilitate this, appropriate staff may be offered familiarisation visits and work shadowing opportunities at the other's offices.

60. In order to support joint working and outreach, the Commission and the Fundraising Regulator will explore opportunities to co-operate on presentations and seminars for charity sector representatives.

Section 15- General

61. Whilst it is intended that the arrangements in this Memorandum should apply generally, it is recognised that some circumstances will require special handling. Nothing in this Memorandum prevents the making of arrangements to meet specific exceptional needs.

Signed
on behalf of the Charity Commission for Northern Ireland



...
Frances McCandless
Chief Executive

Date...20/10/25.....

Signed
on behalf of the Fundraising Regulator



.....
Gerald Oppenheim Chief Executive Officer

Date...21 October 2025.....

APPENDIX A – CONTACT DETAILS AND ESCALATION PROTOCOL

The SPOC for the Commission is James Walsh

Enquiries Manager

The SPOC for the Fundraising Regulator is the Stakeholder Manager for Northern Ireland

Escalation protocol

Commission:

Level 1

Rossa Keown Head of Compliance and Enquiries

Level 2

Frances McCandless

Chief Executive

Fundraising Regulator:

Level 1

Jim Tebbett

Head of Proactive Regulation and Projects

Level 2

Gerald Oppenheim

Chief Executive

APPENDIX B – TERMINOLOGY

Commission

Misconduct

We define misconduct to include any act or failure to act in the administration of the charity which the person committing it knew or ought to have known was criminal, unlawful or improper.

Mismanagement

We define mismanagement to include any act or failure to act in the administration of a charity that may result in significant charitable resources being misused, the charity's reputation being undermined, or the charity's beneficiaries being put at risk.

Inquiry

If the Commission considers that a charity is potentially at significant risk, it may open an inquiry under section 22 of the Charities Act (NI) 2008. The Commission can open inquiries with regard to charities or a particular charity or class of charities. Some of the Commission's powers can only be used when an inquiry is open.

APPENDIX C – REFERRAL PROCESS

