

## Fundraising Regulator signs a memorandum of understanding with the Charity Commission

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A memorandum of understanding ('MoU') signed by the Charity Commission and the Fundraising Regulator which 'provides a framework for closer working' between the two regulators.

The MoU highlights that the Charity Commission's focus in dealing with fundraising concerns is the charity trustees' compliance with their legal duties. The MoU sets out the following situations where the Fundraising Regulator will immediately refer complaints to the Charity Commission:

- serious concerns about trustee conduct including significantly poor governance, failure to control or manage conflicts of interest and poor due diligence procedures;
- serious concerns about financial management including significant financial loss, failure to account for funds raised and low charitable spending;
- serious breach of trust including inappropriate methods of fundraising which pose a significant risk to public trust and confidence;
- serious concerns that a charity is not being used for exclusively charitable purposes or was set up for illegal or improper purposes; and
- repeated failure by a charity to take adequate action to address rulings set by the Fundraising Regulator and in particular by the Adjudication Committee.

The Charity Commission may become involved where the fundraising is carried out by a charity, its subsidiary trading company or another person or organisation on the charity's behalf.

The MoU notes the extensive powers available to the Charity Commission, but highlights that these may only be used in order to acquire information for use in discharging the Charity Commission's own statutory purposes and not simply in order to obtain information for the Fundraising Regulator. However, the Charity Commission considers that the Fundraising Regulator would be a relevant public authority for the purposes of sections 54 and 56 of the Charities Act 2011 and therefore the Charity Commission would be able to make disclosure to the Fundraising Regulator of information which it holds for other purposes.

The Fundraising Regulator will also share information with the Charity Commission, including notifications that complaints are being referred to the Adjudication Committee at stage 3 of the Fundraising Regulator's complaints process, details of organisations whose membership of the Fundraising Regulator has been refused, and to share concerns the Fundraising Regulator has about individuals whose conduct in relation to charity fundraising is such that it raises doubts about their fitness to act as a charity trustee.


The full MoU is available [here](#).

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