



Committee for Communities
Room 410,
Parliament Buildings,
Ballymiscaw, Stormont,
Belfast,
BT4 3XX

50 Featherstone Street
London
EC1Y 8RT

Email: admin@fundraisingregulator.org.uk

Web: www.fundraisingregulator.org.uk

Committee.Communities@niassembly.gov.uk

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Dear Chair,

Charities (Amendment) Bill

I am writing further to the Committee session we attended on 24 October to give evidence in support of the Bill, especially clause 2.

Thank you also for giving us the opportunity to share our thoughts with you regarding the safeguards in relation to publication and reputational impact (before an official warning against a charity is made public).

As a regulator we strive to empower charities to carry out their fundraising legally, openly, honestly and respectfully. We do this by setting standards for fundraising through our Code of Fundraising Practice ('the code') and by producing guidance to help charities understand their obligations better. We also do this by investigating potential breaches of the code and working with charities to improve policies and processes.

Our investigatory approach is proportionate and offers us and charities different ways to find solutions, depending on the seriousness of the breach. We work closely with charities during initial evidence gathering before we decide what process is most appropriate. We can either open a compliance case enquiry or a more formal investigation.

The decision around our approach is not taken lightly and is always informed by sufficient evidence gathering and on-going engagement with the charity in question.

We understand the official warning power to be a fair and proportionate tool for the Charity Commission for Northern Ireland (CCNI). It would not constitute a first step approach and would only be considered following thorough engagement and evidence gathering.

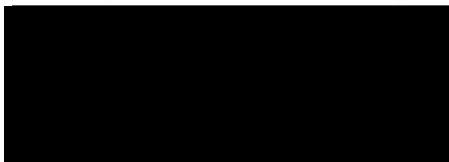
Similar to how the power is exercised by the Charity Commission in England and Wales (CCEW), we understand it would only be used for a more serious breach, reflecting a step up from issuing regulatory advice but falling short of undertaking a formal statutory investigation. This provides a valuable option for recourse where regulatory advice is not sufficient, but a statutory investigation would not be proportionate.

The CCNI would also have the discretion not to make public an official warning. We believe that this would only be published if it was in the best interests of transparency, protecting donors and reducing reputational damage to the wider charity sector.

As the proposed legislation sets out, there would be a requirement to issue a notice to the charity involved, informing them that the regulator intends to issue an official warning, the recipient would then have to right to respond, this response from the charity could result in the official warning process being withdrawn.

We believe that the process, continuous engagement with the charity, and due diligence involved in getting to the point of issuing an official warning and the considerations around whether to make it public or not, would provide adequate safeguards against misuse.

Yours sincerely



Gerald Oppenheim
Chief Executive
Fundraising Regulator