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Submitted to Charities (Amendment) Bill - Call for Evidence
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Consent and introduction

What is your name?

Name:

[REDACTED]

What is your email address?

Email address box:

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If you are providing a submission on behalf of an organisation, please state its name.

Organisation name box:

Voice & Justice Alliance Ltd.

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Do you consent to your submission being published on the Committee's website and included in the Committee's report?

Yes, publish in full.

General views on the Bill

Do you support the overall purpose of the Charities (Amendment) Bill?

Yes

Please explain your answer, including any areas where you believe the Bill should be amended.:

Voice & Justice Alliance supports the overall purpose of the Bill. An effective, independent regulator is fundamental to public confidence in charities, and several provisions -- particularly the strengthened intervention powers in Clauses 3 to 6 -- address real and serious gaps in the current framework. We support the broad direction and much of the detail.

Our support is grounded in direct governance experience within the Northern Ireland charitable sector, including first-hand experience of how the framework performs when governance breaks down: how a single dominant individual can control a small charity; how a person facing scrutiny can resign to avoid regulatory action; and how charitable resources and vulnerable beneficiaries can be exposed while the regulator's tools remain slow and reactive.

The Bill's central limitation is one of balance. It expands what the Commission may do, but gives comparatively little attention to two things on which the value of those powers depends: the Commission's capacity to exercise them, and its accountability for how it does so. Powers a regulator cannot resource, or is not held to account for using, risk becoming powers on paper. Respondents to the Department's own consultation consistently emphasised that stronger tools must be matched by clear safeguards and operational deliverability (Consultation Report, 1.6-1.7).

We therefore ask the Committee to consider three amendments: (1) a clear route for trustees and others to raise governance concerns, with protection from retaliation, on which the Bill is silent; (2) a risk-based rather than income-only approach to reduced oversight of small charities (Clause 8); and (3) a commitment to the Commission's operational capacity and to published service standards, so expanded powers are matched by accountability.

See VJA's full written submission, emailed to the Committee Clerk [REDACTED], 2 September 2026.

Independent Review and policy intent

Do you consider that the Bill gives appropriate effect to the relevant recommendations of the Independent Review of Charity Regulation in Northern Ireland?

Yes

Add further information to support your answer:

Yes, in substance. The Bill gives appropriate effect to the enforcement and proportionate-reporting recommendations it takes forward, and we support that direction.

Two observations. First, the Review's stated aim was a modern, risk-based model that promotes public trust and accountability without imposing undue burden. The Bill delivers the powers and burden-relief limbs of that aim more fully than the trust-and-accountability limb: it expands what the Commission may do, but says comparatively little about the capacity to exercise those powers, or the standards by which the Commission is held to account for using them. Giving fuller effect to the Review means attending to that side too. Respondents to the Department's own consultation consistently emphasised that stronger regulatory tools must be matched by clear safeguards and operational deliverability, including timely regulatory decision-making (Consultation Report, 1.6-1.7).

Second, on the independent-examination threshold, the Bill adopts £20,000 rather than the £25,000 suggested by the Review, aligning instead with the registration threshold. This is marginally more conservative than the Review, which we welcome as far as it goes. But neither figure is risk-based, and our central concern -- that reduced oversight of small charities should turn on risk, not income alone -- applies equally to both.

Overall the Bill is a faithful, if partial, implementation: it delivers the intervention powers well, and we ask only that the accountability and risk-based dimensions the Review also emphasised be given equal weight as the Bill proceeds.

See VJA's full written submission, emailed to the Committee Clerk [REDACTED], 2 September 2026.

Are there any areas where the Bill goes too far, does not go far enough, or requires further clarification?

A textbox for adding comments:

Does not go far enough:

- 1) Accountability and capacity. The Bill strengthens powers but does not match them with any commitment to the Commission's resourcing, or to service standards and published performance. Powers a regulator cannot resource, or is not held to account for using, risk becoming powers on paper.
- 2) Those who raise concerns. The Bill protects those subject to regulatory action but is silent on trustees, volunteers, employees and beneficiaries who raise governance concerns in good faith. A clear route to the Commission, and protection from retaliation, should be added.
- 3) Verification, not only rules. The Bill relies on strengthened disqualification, but trustee eligibility is established by self-declaration; whether it is independently verified -- at registration, and when a person's status changes in another UK jurisdiction -- is not addressed. The disqualification grounds already reach across the UK in law (section 86); the open question is who checks that they are honoured.

Requires clarification:

Clause 3: a minimum representation period should be specified, and a withdrawal notice published with at least the same prominence as the original warning.

Clause 8: the income-only exemption from independent examination should be risk-based, with an express power for the Commission to require examination on a risk basis.

Clause 2: significant disclosures should be recorded and reported in aggregate to support Assembly scrutiny.

We do not consider any provision goes too far, though the income-only removal of independent examination (Clause 8) goes further than a risk-based approach would, by withdrawing external scrutiny from the smallest charities on the basis of size alone.

See VJA's full written submission, emailed to the Committee Clerk [REDACTED], 2 September 2026.

Information sharing — Clause 2

Clause 2 would amend the Charity Commission's information-sharing powers. Are the proposed powers necessary, clear and proportionate?

Yes

Please add any additional information to support your answer:

Better information-sharing between the Commission and other regulators is necessary. Concerns about a single charity frequently span more than one body -- for example the Commission, a professional regulator, the Fundraising Regulator, and in some cases the police -- and at present each can hold part of the same picture without any seeing the whole. Extending "public body" to bodies discharging public-nature or charity/fund-raising regulatory functions is a proportionate way to close that gap, and we welcome the post-consultation change limiting the widening of the power.

The need for these powers is not hypothetical. Section 24 already underpins a fraud-referral framework involving public-sector bodies, including the Commission, and the police; and it is the stated legal basis for a draft purpose-specific information-sharing agreement between the Commission and the police capable of covering personal, special-category and criminal-offence data. Arrangements of this kind are not routinely published and may come to light only through freedom-of-information requests. Clause 2 would widen the disclosure power further. That reinforces, rather than diminishes, the case for the safeguards set out in our next answer.

We support the clause, provided its exercise is disciplined by clear necessity-and-proportionality tests and accompanied by a commitment to transparency about the arrangements made under it.

See VJA's full written submission, emailed to the Committee Clerk [REDACTED], 2 September 2026.

Are any further safeguards, limits or reporting requirements needed?

Yes

Please add any additional information to support your answer:

Yes. Two safeguards would strengthen the clause without weakening it.

First, disclosures should be made on a clear necessity-and-proportionality basis, with individuals whose data may be shared retaining the protections already required under UK GDPR and the Data Protection Act 2018. The Commission should be required to record significant disclosures and to report on their use in aggregate, so that Assembly scrutiny is possible without compromising confidentiality.

Second -- and more important -- the arrangements made under section 24 should be visible. As noted, agreements of this kind already exist or are in draft and are not routinely published. We recommend that agreements made under section 24 be recorded in a register maintained by the Commission, reviewed periodically and reported on in aggregate, so that their existence and scope are visible to the Assembly and the public without reliance on freedom-of-information requests. Information-sharing between a charity regulator and bodies such as the police is legitimate and often necessary; but where the public can only discover its existence by FOI, the power is operating with less transparency than public confidence requires.

These are safeguards of visibility and proportionality, not restrictions on necessary sharing.

See VJA's full written submission, emailed to the Committee Clerk [REDACTED], 2 September 2026.

Official warnings — Clause 3

Clause 3 would allow the Charity Commission to issue official warnings to charities, charity trustees or trustees for a charity. Do you consider this to be an appropriate and proportionate regulatory tool?

Yes

Please add any additional information to support your answer:

Yes. A graduated tool that sits below a full statutory inquiry fills a real gap. In our experience, governance problems often become visible while still developing, but the only formal options are disproportionate or slow. An official warning would let the Commission mark clear disapproval and require rectification early, before charitable assets or vulnerable beneficiaries are harmed. We support its introduction, and we welcome the post-consultation removal of the disapplication to designated religious charities, which avoids an unjustified gap in coverage.

The value of the power depends on the Commission being resourced to operate it promptly and fairly; a warning regime that is slow, or applied inconsistently, would undermine the confidence it is meant to build. Consultation respondents were divided on the clarity and proportionality of the power, which underlines the importance of clear published guidance on when and how it will be used.

Subject to the procedural points in our next answer, we consider it an appropriate and proportionate addition to the Commission's toolkit.

See VJA's full written submission, emailed to the Committee Clerk [REDACTED], 2 September 2026.

Are the proposed notice, representation, publication, variation and withdrawal arrangements sufficient, including in relation to reputational impact?

No

Please add any additional information to support your answer:

Broadly sound, but not sufficient as drafted. The reputational dimension needs particular care. In a small, close-knit jurisdiction, publishing a warning that names a small charity or an individual can be damaging out of all proportion to the conduct -- while non-publication can allow harm to continue. Three points:

First, a minimum representation period should be specified in the Bill, rather than left entirely to the Commission's discretion, so that volunteer-led charities without professional support have a genuine, workable opportunity to respond.

Second, where a warning is withdrawn, the withdrawal notice should be published with at least the same prominence and reach as the original. A 28-day window for publishing a withdrawal is welcome, but a quietly withdrawn warning leaves reputational damage uncorrected; parity of prominence is the safeguard that matters.

Third, the Committee may wish to consider whether the Commission should be required to weigh the proportionality of publication where a party is likely to be identifiable despite anonymisation -- a particular risk in a small jurisdiction and in specialist sectors where the organisations are few.

With these adjustments the arrangements would be sufficient; without them, the reputational safeguards are incomplete.

See VJA's full written submission, emailed to the Committee Clerk [REDACTED], 2 September 2026.

Strengthened regulatory powers — Clauses 4 to 6

Clauses 4 to 6 would strengthen the Commission's powers in relation to removal from office, directions that specified action must not be taken, and automatic disqualification. Are these powers clear, necessary and proportionate?

Yes

Please add any additional information to support your answer:

Yes, strongly. Clause 4 addresses a failure we have seen directly: under the current law a person under scrutiny can resign to avoid removal and its disqualifying consequences. Allowing the Commission to complete a removal even after a person has stepped down closes a serious loophole.

Clause 6's extension of automatic disqualification to officers, agents and employees is equally important. In small charities the person responsible for harm often holds no formal trustee title, and disqualification that reaches only "trustees" misses them. Extending the reach of disqualification to those who exercise effective control, whatever their title, is both necessary and proportionate.

Clause 5's power to direct that specified action not be taken is a valuable preventive brake -- for example, to stop charitable funds being committed to litigation or activity serving no charitable purpose -- and the requirement to review such an order at least every six months is an appropriate proportionality safeguard.

We support all three clauses. They are among the strongest and most necessary provisions in the Bill.

See VJA's full written submission, emailed to the Committee Clerk [REDACTED], 2 September 2026.

Are the safeguards and appeal rights sufficient?

Yes

Please add any additional information to support your answer:

For those subject to the powers, yes. Notice, the opportunity to make representations, six-monthly review of directions, and the appeal rights provided through Schedule 3 appear proportionate and sufficient.

The gap is on the other side of the process. The Bill provides careful protection for those who are the subject of regulatory action, but is silent on those who raise governance concerns in good faith. Trustees, volunteers, employees and beneficiaries who identify a problem should be able to know how a concern can be raised, what will happen once it is, what protection exists for raising it, and how any conflict of interest will be managed. A regulatory framework should provide confidence both to those subject to action and to those who report concerns responsibly and in good faith.

We therefore ask the Committee to consider a clear route for raising concerns with the Commission, and protection from retaliation for those who use it. This is not a criticism of the safeguards that exist for the accused, which are sound; it is a recommendation to complete the framework by recognising the other party the current Bill overlooks.

See VJA's full written submission, emailed to the Committee Clerk [REDACTED], 2 September 2026.

Accounting, audit and reporting requirements — Clauses 7, 8 and 10

Clauses 7, 8 and 10 would allow different accounting and reporting requirements for different classes of charity and would remove the requirement for independent examination of accounts for charities with gross annual income under £20,000. Do you support this approach?

No

Please add any additional information to support your answer:

We support tiered, proportionate reporting in principle: genuine micro-charities should not carry disproportionate administrative cost, and tailoring the form and content of accounts and reports to the size of a charity (Clauses 7 and 10) is sensible. To that extent we support the approach.

We do not, however, support removing the independent-examination requirement for all charities with gross income under £20,000 on the basis of income alone (Clause 8). A very small charity can still hold and misuse charitable assets, carry out sensitive work with vulnerable people, and be controlled by one or two individuals with no external check. Independent examination is one of the few external scrutiny points that exists precisely where internal governance is weakest. "Small" does not mean "low risk".

This concern is not ours alone. In the Department's own consultation, respondents warned that exempting the smallest charities could undermine public confidence and leave "limited visibility over how donated funds are used", and one proposed that accounts still be completed by a suitably competent person rather than exempted outright (Consultation Report, 4.8). The Department acknowledged these concerns and proceeded.

We ask that reduced oversight be risk-based rather than purely financial, with an express power for the Commission to require examination on a risk basis regardless of income.

See VJA's full written submission, emailed to the Committee Clerk [REDACTED], 2 September 2026.

What impact would this have on transparency, public confidence, administrative burden and small charities?

What impact would this have on transparency, public confidence, administrative burden and small charities?:

For the majority of low-risk micro-charities, the reduction in administrative burden is real and welcome, and we support it. Our concern is the minority of cases where the income-only exemption removes external scrutiny precisely where it matters most -- and does so silently.

Transparency and public confidence: independent examination is one of the few points at which someone outside the charity looks at the accounts. Removing it by income alone means a small charity holding and spending charitable funds, potentially with vulnerable beneficiaries, may face no external check at all. The public tends to read a charity's registration as a mark that it has been checked and is safe; where oversight is reduced without the public knowing, the gap between what registration is assumed to mean and what has been checked widens.

Administrative burden: the relief is genuine, but not incompatible with retaining a light, risk-based check. Consultation respondents themselves suggested accounts still be prepared by a suitably competent person as an alternative to full exemption.

Small charities: these are also the organisations most exposed to governance failure -- limited capacity, reliance on one or two individuals, heightened reputational stakes in close-knit communities. A risk-based exemption (for example, retained where a charity undertakes regulated or safeguarding activity), plus a Commission power to require examination on risk grounds, would preserve the burden relief for the many while protecting beneficiaries and public confidence in the few cases that go wrong.

See VJA's full written submission, emailed to the Committee Clerk [REDACTED], 2 September 2026.

Definition of gross income — Clause 9

Clause 9 would allow the Department to make regulations about what counts, or does not count, as charity income for the purpose of "gross income". What should be included or excluded from that definition?

A textbox for adding comments:

The current lack of clarity in "gross income" is a genuine problem, and a power to clarify it is welcome. Our comments concern what the definition should achieve, and how the power should be scrutinised.

What should be excluded: one-off capital receipts and non-recurring items that do not reflect a charity's ongoing activity -- for example, a single legacy or bequest, the proceeds of disposing of a fixed asset, or a restricted capital grant -- should not count as "income" for the purpose of thresholds that trigger audit or reporting obligations. Consultation respondents noted the risk that a one-off bequest could tip an otherwise small charity over a threshold and into disproportionate audit requirements; the definition should prevent that.

What should be included: genuinely recurring operating income -- donations, fundraising, trading and service income, and unrestricted grants supporting ongoing activity -- appropriately reflects a charity's scale and should count.

The guiding principle should be that "gross income" measures the scale of a charity's ongoing charitable activity, distinguishing income from capital, so that thresholds track real size rather than one-off events.

Finally, because this definition determines which charities fall above or below audit and reporting thresholds, it is not a purely technical matter. We ask that the power be exercised transparently and subject to a higher level of Assembly scrutiny (see our answer on delegated powers).

See VJA's full written submission, emailed to the Committee Clerk [REDACTED], 2 September 2026.

Non-Northern Ireland institutions — Clause 11

Clause 11 would repeal section 167 of the Charities Act (Northern Ireland) 2008 in relation to institutions operating for charitable purposes in or from Northern Ireland but established elsewhere. Do you agree with this approach?

Yes

Please add any additional information to support your answer:

howed poor understanding of its purpose; attempting to operate a Northern Ireland-specific regime for institutions established and regulated elsewhere raises practical difficulties, including the Commission's limited ability to act against trustees appointed under another jurisdiction's law. Repealing an unworkable, uncommenced provision is a reasonable course, and we do not oppose it.

Our support is qualified by a public-confidence point, set out in our next answer. The effect of repeal is that institutions operating for charitable purposes in or from Northern Ireland, but established elsewhere, will not appear on the Northern Ireland register and will be regulated only by their home jurisdiction. That is defensible in regulatory terms, but it leaves a visibility gap for the public, who may not be able to tell which regulator, if any, stands behind an organisation soliciting funds or delivering services locally.

We therefore agree with the repeal, provided the resulting transparency gap is addressed by guidance or signposting rather than left unmanaged.

See VJA's full written submission, emailed to the Committee Clerk [REDACTED], 2 September 2026.

What practical, regulatory or public confidence issues should the Committee consider?

A textbox for adding comments:

The main issue is visibility. After repeal, a member of the public in Northern Ireland may encounter an organisation operating for charitable purposes here that is not on the Northern Ireland register and is regulated by a body in another jurisdiction. The public tends to treat a charity's local presence as an assurance that it is regulated here; in reality oversight may sit with the Charity Commission for England and Wales, OSCR, or the Charities Regulator in Ireland, and the ordinary donor or service user has no simple way to know which -- or where to raise a concern.

This connects to a wider theme in our submission: risk-relevant and accountability-relevant information about charities does not travel cleanly across UK and cross-border jurisdictions, and no one owns the handoff. Repeal is sensible, but it should be accompanied by clear public-facing signposting -- for example, guidance directing people to the relevant home regulator, and a clear route for raising concerns about a non-Northern Ireland institution operating locally.

We would also ask the Committee to consider whether, over time, a light-touch mechanism could allow the public to identify which regulator stands behind an organisation operating in or from Northern Ireland, so that the transparency the register provides for local charities is not simply absent for these bodies.

See VJA's full written submission, emailed to the Committee Clerk [REDACTED], 2 September 2026.

Delegated powers and Assembly scrutiny

Are the delegated powers in the Bill appropriate, including powers to make regulations on accounts, gross income, annual reports and annual returns?

Yes

Please add any additional information to support your answer:

Yes in principle. Delegating the technical form and content of accounts and reports (Clauses 7 and 10) is a reasonable way to keep detailed requirements current without repeated primary legislation, and we do not object to that flexibility as such.

Our reservation is about substance moving out of sight. Several of these powers do more than fine-tune detail. The power to define what counts as "gross income" (Clause 9) determines which charities fall above or below reporting and audit thresholds. The power to set different requirements for different classes of charity (Clause 7) shapes how much oversight a charity is subject to. Template reporting (Clause 10) determines what information about a charity ever reaches the public. These are not merely technical: they affect transparency, the level of external scrutiny, and what the public can see about where charitable funds go.

Flexibility for the administrator can become fragility for the public interest -- a power exercised by regulation can be narrowed later with far less visibility than primary legislation attracts. We therefore support the delegation, but ask that its more consequential exercises carry stronger scrutiny, as set out in our next answer.

See VJA's full written submission, emailed to the Committee Clerk [REDACTED], 2 September 2026.

Should any of these powers be subject to a higher level of Assembly scrutiny?

Yes

Please add any additional information to support your answer:

Yes. Where a delegated power changes the level of oversight charities face, or what the public can see about them, the Assembly should actively approve its exercise rather than merely have the opportunity to annul it. In particular:

The power to define "gross income" (Clause 9), because it determines which charities fall above or below reporting and audit thresholds.

The power to adjust the independent-examination threshold (Clause 8, amending section 65(10)(a)), because it directly sets how many charities are removed from external scrutiny.

The powers to set accounts and reporting requirements for different classes of charity, including template reporting (Clauses 7 and 10), because they determine what information about a charity reaches the public.

We suggest these be subject to the draft affirmative procedure -- or, at a minimum, that the first exercise of each be affirmative -- so that changes affecting transparency and oversight receive active Assembly approval. More routine, technical adjustments may appropriately remain under the negative procedure. The principle is simple: the more a power affects public confidence and the visibility of charitable activity, the higher the scrutiny its exercise should attract.

See VJA's full written submission, emailed to the Committee Clerk [REDACTED], 2 September 2026.

Impacts and suggested amendments

What impact would the Bill have on small, rural, community-based or volunteer-led charities, and are there any equality, human rights, data protection or rural needs issues the Committee should consider?

A textbox for adding comments:

The Bill's burden-relief provisions will benefit small, rural and volunteer-led charities, which we welcome. But these same charities are often the most exposed to governance failure: limited administrative capacity, reliance on one or two individuals, and heightened reputational stakes in close-knit communities. Two of the Bill's effects therefore fall hardest on exactly this group.

First, reduced external oversight (Clause 8) removes scrutiny disproportionately from small and rural charities, which are least likely to have internal checks in the first place -- a risk-based rather than income-only approach would protect them better.

Second, the reputational impact of a published official warning (Clause 3) is far greater in a small or rural community, where a charity and its trustees are readily identifiable; this reinforces our call for a workable representation period, parity of prominence for withdrawals, and attention to identifiability despite anonymisation.

On data protection: the Clause 2 disclosure powers should be exercised consistently with UK GDPR and the Data Protection Act 2018, with the recording and transparency safeguards we describe. On human rights and equality: proportionality is the common thread -- powers affecting individuals should carry procedural safeguards, and reduced oversight should track risk rather than fall by size alone. Processes must also be genuinely navigable by volunteer boards without professional support.

See VJA's full written submission, emailed to the Committee Clerk [REDACTED], 2 September 2026.

Please identify any specific amendments you would suggest, including the relevant clause where possible.

A textbox for adding comments:

- 1) Clause 8 -- replace the income-only exemption from independent examination with a risk-based test (for example, retained where a charity undertakes regulated or safeguarding activity), and give the Commission an express power to require examination on a risk basis regardless of income.
- 2) Clauses 3-6 -- insert a clear statutory route for trustees, volunteers, employees and beneficiaries to raise governance concerns with the Commission, with protection from retaliation and clarity on how conflicts of interest are managed.
- 3) Clause 3 -- specify a minimum representation period; require a withdrawal notice to be published with at least the same prominence as the original warning; and require proportionality of publication to be weighed where a party may be identifiable despite anonymisation.
- 4) Clause 2 -- require agreements and significant disclosures made under section 24 to be recorded in a register, reviewed periodically, and reported on in aggregate, so their existence and scope are visible without reliance on freedom-of-information requests.
- 5) Clauses 7, 9 and 10 (and the Clause 8 threshold) -- make the more consequential regulation-making powers subject to the draft affirmative procedure, at least on first exercise.
- 6) General -- accompany the Bill with a commitment to the Commission's operational capacity and to published service standards; and, on Clause 11, provide public signposting to the relevant home regulator for non-NI institutions.

See VJA's full written submission, emailed to the Committee Clerk [REDACTED], 2 September 2026.