

MEMORANDUM OF UNDERSTANDING

between

THE CHARITY COMMISSION FOR ENGLAND AND WALES

and

THE REGULATOR OF SOCIAL HOUSING

Purpose

This memorandum of understanding (MoU) sets out the functions of the Charity Commission for England and Wales (“the Charity Commission”) and the Regulator of Social Housing (“the RSH”), together “the Parties”, and is a statement of intent as to the continued framework of communication, cooperation and exchange of information between the parties.

Given that many private registered providers of social housing are also registered charities, the Parties agree that it is important that this MoU sets out how they intend to work together to carry out their respective functions and responsibilities with the aim of achieving a collaborative, efficient and effective working relationship.

In most cases, the principles underpinning this MoU apply where the Parties are exercising their functions in relation to registered charities that are also registered providers of social housing. However, where there is a nexus between a registered provider of social housing (that is not a registered charity) and a registered charity it may be appropriate to apply the principles of this MoU for the purpose of performing the Parties respective functions.

While this MoU does not create or impose legally binding rights or obligations on the part of the Charity Commission or the RSH, both organisations are committed to working in accordance with its provisions. Each organisation will take steps to ensure that their relevant staff are aware of what is in the MoU. They will keep staff updated about it, and about the responsibilities it places on their staff.

The MoU will also be made public and placed on the Charity Commission and RSH’s websites.

Roles of the Parties to this Memorandum

The Charity Commission is the regulator and registrar of charities in England and Wales. Its powers are set out in the Charities Act 2011 (CHA 2011).

The RSH regulates registered providers of social housing, which includes some registered charities. Its powers are set out in the Housing and Regeneration Act 2008 (the 2008 Act).

The Charity Commission

The Charity Commission is an independent, non-ministerial government department that serves as the registrar and regulator of charities in England and Wales. The five statutory objectives as set out in the CHA 2011 that underpin all its work are to:

- a. increase public trust and confidence in charities
- b. promote awareness and understanding of the operation of the public benefit requirement (the requirement that charitable purposes must be for the public benefit)
- c. promote compliance by charity trustees with their legal obligations in exercising control and management of the administration of their charities
- d. promote the effective use of charitable resources
- e. enhance the accountability of charities to donors, beneficiaries and the general public

As registrar, it is responsible for registering and maintaining an up-to-date register of charities. This includes determining whether organisations are charitable and therefore should be registered, as well as in limited circumstances removing those that are no longer considered to be charities, have ceased to exist or do not operate.

The Commission also regulates the charity sector by taking regulatory action when there is actual or apparent misconduct and/or mismanagement in the administration of a charity and ensuring charity trustees meet their trustee duties. The Commission is not a prosecuting authority and does not have prosecution powers. It is not a safeguarding body and in safeguarding matters it can only consider the conduct of the trustees and if they properly discharged their duties.

The Commission also has an enabling function which includes providing advice and guidance to charity trustees and giving authority for trustees to take certain actions.

Regulator of Social Housing

The RSH regulates for a viable, efficient, and well governed social housing sector able to deliver quality homes and services for current and future tenants.

Under the Housing and Regeneration Act 2008 (the 2008 Act), RSH has statutory objectives which drive its approach to regulating registered providers.

The RSH's regulatory focus is at landlord level. RSH sets economic and consumer standards which state the outcomes that landlords must deliver against. It also maintains a register of providers of social housing, registering new landlords and de-registering landlords according to relevant criteria. Those on the register include registered charities, local authorities and other organisations such as non-profit housing associations, co-operatives and for-profit organisations.

RSH takes a proactive approach to regulating its standards. It has a risk-based inspection programme, which judges the extent to which large registered providers are delivering the outcomes of its standards. RSH also receives a variety of information to help understand how well a registered provider is delivering against the outcomes of its standards.

RSH publish regulatory judgements to give its view as to the extent to which landlords are delivering against the outcomes of our regulatory standards. Where landlords are not delivering against the outcomes of the standards, RSH will hold them to account. It has a range of regulatory and enforcement powers to use as necessary. Further information on how RSH regulates is set out in [Regulating the Standards](#).

Working together

The Charity Commission and RSH recognise the importance of working together to achieve their respective objectives, taking account of their different governance structures, powers and accountabilities. In circumstances where an organisation is a registered charity and a registered provider of social housing, the Parties agree that it is important that they are able to cooperate and communicate effectively to ensure that such organisations comply with both charity law and deliver the outcomes of RSH's standards.

The Charity Commission and RSH have agreed that they will (where possible, lawful and appropriate):

- a. seek to achieve a collaborative approach which ensures that information sharing better enables each Party to discharge their regulatory functions;
- b. communicate with one another at an early stage on any issues that might have significant implications for the other Party;
- c. signpost the enquirer to the other organisation where appropriate, making sure to explain to the enquirer why the other Party is the appropriate organisation;
- d. meet and communicate regularly – at appropriate levels of seniority – to discuss matters of mutual interest including stakeholder engagement; and
- e. ensure consistency in the way in which they are communicating about each other's roles.

Information sharing

Public information

The Charity Commission publishes information on all registered charities, including charitable registered providers of social housing on [The Register of Charities](#).

The RSH publishes a [list](#) of all registered providers of social housing (including those that are registered charities).

Legal basis of information sharing

Sections 54 to 56 of the CHA 2011 sets out the position for the Charity Commission in terms of disclosure to and from another public authority (including RSH) for the purpose of enabling or assisting the Charity Commission to discharge any of its functions.

Under section 109 of the Housing and Regeneration Act 2008, RSH may disclose information to a public authority (which would include the Charity Commission) if it thinks that information is necessary either for purposes connected with its own functions or for purposes connected with the public authority's functions. Section 109 also allows a public authority to disclose information to the RSH if the disclosure is necessary for a purpose connected with the RSH's functions.

Specific Information Exchanges

Subject to the overriding requirement for information disclosed by the Charity Commission to RSH to meet the purposes specified in section 56(1) CHA 2011, where information relates to a registered charity that is also a registered provider, the Charity Commission will normally notify the RSH:

- a. when an inquiry is opened into a charity, giving a brief summary of the cause for concern in each case¹

¹ Section 46 Charities Act 2011

- b. Of any relevant individuals the Commission removes from a charity because they are automatically disqualified from being a trustee or holding a position with a senior management function²
- c. Of any relevant individuals who have been granted a waiver from automatic disqualification by the Charity Commission who are seeking to be appointed as a trustee of a charitable registered provider of social housing³
- d. Of any relevant charity or individual trustee that has received an Official Warning⁴
- e. Of any relevant order and/or appointment, including the suspension of trustees and the appointment of an interim manager⁵
- f. Of the use of any other power used under the CHA 2011, as may be relevant to RSH in performing its regulatory function.

The RSH will notify the Charity Commission of the following:

- a. the registration, de-registration or change to designation of a registered charity⁶
- b. where agreed proposals provide for the appointment of a manager to a charity⁷
- c. if an inquiry is held in relation to a registered charity⁸
- d. if during or following an inquiry, an order is made restricting dealings by a registered charity⁹
- e. if it suspends an officer, employee or agent of a registered charity during an inquiry¹⁰
- f. if it suspends or removes an officer, employee or agent of a registered charity following an inquiry¹¹
- g. if an order is made to remove an officer of a registered charity¹²

² Section 178 Charities Act 2011

³ Section 181 Charities Act 2011

⁴ Section 75a Charities Act 2011

⁵ Section 76 Charities Act 2011

⁶ Section 120(1)(a) & (3) Housing and Regeneration Act 2008

⁷ Section 155(6) Housing and Regeneration Act 2008

⁸ Section 209(3) Housing and Regeneration Act 2008

⁹ Sections 256(6A) and 257(4A) Housing and Regeneration Act 2008

¹⁰ Section 259(8) of the Housing and Regeneration Act 2008

¹¹ Section 260(6) of the Housing and Regeneration Act 2008

¹² Section 267(1B) of the Housing and Regeneration Act 2008

- h. of an intention to appoint new officers to a registered charity¹³

The RSH may also notify the Charity Commission on the use of its other statutory powers where it considers that it would be appropriate to do so.

RSH also has a statutory duty to consult Charity Commission on the following:

- (i) before making proposals (about the future ownership and management of the registered provider's land) during a moratorium in relation to a registered charity¹⁴; and
- (ii) before setting a standard which would apply to charities or issuing, revising or withdrawing a code of practice which applies or would apply to charities¹⁵

General Data Protection Regulation

The parties do not expect to routinely share personal data or exchange sufficient quantities or sensitivity of personal data to necessitate entering into a separate data sharing agreement. Where any personal data is disclosed in accordance with arrangements under this MoU each party will ensure that they fully comply with the Data Protection Act 2018 and the UK General Data Protection Regulation. For more details about how personal data is processed please see the privacy notices for [RSH](#) and the [Charity Commission](#).

Freedom of Information Act 2000

Both parties are public bodies for the purposes of FOIA and data protection legislation, where a request for information is received by either party under data protection laws or FOIA and that request relates to the other party (and/or information originally received from the other party under this MoU), the recipient of the request will seek the views of the other party as soon as possible to ensure that the timeframes for response can be met, where the information being sought under the request includes information obtained from, or shared by, that party. However, the decision to disclose or withhold the information (and therefore any liability arising out of that decision) remains with the party in receipt of the request. The receiving party will not disclose or release any information without first consulting the sending party. The party whose input is requested should provide their response as soon as reasonably possible.

Review

Representatives from the Charity Commission and RSH will review this MoU every three years, or after a significant change in legislation, policy or practice in either party, to ensure that it reflects any developments and changes in working practices.

This MoU was agreed by both parties on 23rd October 2025.

¹³ Section 269(6)(b) of the Housing and Regeneration Act 2008

¹⁴ Section 153(1)(d) Housing and Regeneration Act 2008

¹⁵ Section 196(2) Housing and Regeneration Act 2008

Signatories

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