

**Memorandum of Understanding
between**

The Jersey Charity Commissioner



and

The Jersey Care Commission



Date: 19 May 2025

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1. Parties to the Memorandum of Understanding

1.1. The parties to the agreement are:

The Jersey Charity Commissioner ('the Charity Commissioner')

Address:

Forum 3
Grenville Street
St Helier
JE2 4UF

AND

The Jersey Care Commission ('the Care Commission')

Address:

1st Floor, Capital House
8 Church Street
St Helier
JE2 3NN

1.2. This document is jointly owned by the Charity Commissioner and the Care Commission.

2. Purpose of the Memorandum of Understanding (MOU)

- 2.1 The purpose of this MOU is to provide a framework for the effective working relationship, cooperation and exchange of information between the Charity Commissioner and the Care Commission, relating to each body's respective responsibilities.
- 2.2 This MOU sets out principles of co-operation and does not override the statutory duties, responsibilities, functions and reporting rights of the Charity Commissioner and the Care Commission. It is not enforceable in law and does not place extra legal responsibilities on either party. There is no implied transfer of responsibility from one party to the other nor implied sharing of statutory functions or accountabilities. The Charity Commissioner and the Care Commission are committed to working in ways that are consistent with the principles of this MOU.
- 2.3 This MOU is intended to assist in promoting consultation on matters of mutual interest to improve the effectiveness of the Charity

Commissioner and the Care Commission in meeting their respective statutory duties.

3. Functions of the Charity Commissioner

- 3.1 The Charity Commissioner is a corporation sole established by the Charities (Jersey) Law 2014 (the Charities Law). The Charity Commissioner is appointed by the Minister and is wholly independent of the Ministry.
- 3.2 The principal functions of the Charity Commissioner are to administer the charity test established by the Charities Law, to operate the public register of charities and supervise the compliance of charity governors with their duties. In performing his functions, the Charity Commissioner must seek in particular to act in a way that protects public trust and confidence in registered charities.
- 3.3 Under Article 31 of the Charities Law the Charity Commissioner is only permitted to share information with the Care Commission “for the purpose of the investigation or prosecution of any offence under any enactment or under the customary law of Jersey, or for the purpose of taking or deciding whether to take any proceedings under the Charities Law” and “for purpose of enabling the Commissioner to discharge any of his or her functions”.

4. Functions of the Care Commission

- 4.1 The Jersey Care Commission is an independent body corporate established as the Health and Social Care Commission referred to under Part 7 of the Regulation of Care (Jersey) Law 2014 (‘the Care Law’). Its responsibilities are set out in this Law and accompanying Regulations.
- 4.2 The Commission’s role is to protect and promote the health, safety and welfare of people who use health and social care services by:
 - providing independent assurance about the quality, safety and effectiveness of the health and social care services in Jersey
 - promoting and supporting best practice in the delivery of health and social care by setting high standards and challenging poor performance; and

- working with service users and their families and carers to improve their experience of health and social care and achieve better outcomes.

4.3 To do the above the Commission:

- registers providers and managers against statutory Regulations and standards of quality and safety
- monitors and inspects providers against the standards, carrying out inspections regularly and at any time in response to concerns; carrying out themed inspections and investigations
- takes action when a service fails to meet the required standard by serving improvement notices, applying additional conditions on registration and if necessary, prosecuting or cancelling a provider or manager's registration; and
- engages with service users, carers and the wider public to ensure their views and experiences are at the heart of the Commission's work.

5. Characteristics and principles of the working relationship between the Charity Commissioner and the Care Commission

5.1 The Charity Commissioner and the Care Commission intend that their working relationship will reflect the following principles:

- open and transparent, sharing information where legally able to do so, to inform decision-making and to minimise safeguarding risk in order to aid in an investigation
- efficient and effective communication; and
- maintaining and enhancing confidence of citizens in the Charity Commissioner and the Care Commission.

5.2 Where the Charity Commissioner or the Care Commission encounters a concern which they believe falls within the remit of the other, they will promptly convey the concern and relevant information. This might include anonymous or unsubstantiated reports. The receiving party will provide feedback on any action taken.

5.3 Each party will recognise the potential to offer input into the other's work programme through understanding each other's priorities and by discussing areas of shared concern.

- 5.4 The relevant staff of and/or contractors to the Charity Commissioner and the Care Commission will liaise as necessary regarding any issues requiring cooperation and joint action.

6. Data sharing

- 6.1 When the Charity Commissioner and the Care Commission co-operate with one another pursuant to this MOU they will do so in accordance with applicable legislation, including:

- the Human Rights (Jersey) Law 2000
- the Comptroller and Auditor General (Jersey) Law 2014; and
- Data Protection (Jersey) Law 2018.

- 6.2 Where data sharing occurs, due consideration will be given to ensuring that the purpose of sharing is specified, explicit and legitimate. It will be clear how the data shared is relevant to the remit of the receiving organisation and be proportionate to the stated purpose for sharing.

7. Review of MOU

- 7.1 This MOU will be reviewed on an annual basis.

8. Contacts

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Signatures:


The Jersey Charity
Commissioner

The Jersey Care
Commission

Print Name Richard Jouault
Head of Office

Print Name Becky Sherrington

Signature 

Signature 

Date 19/5/25

Date 19 May 2025