

MINUTES

OSCR BOARD MEETING

Held on 6 May 2010 @ 9.45 am

Quadrant House, Dundee

Present: John Naylor, Chair
 Lindsay Montgomery, Deputy Chair
 David Hughes Hallett, Board Member
 Fiona Ballantyne, Board Member
 Oscar Mendoza, Board Member
 Annie Gunner Logan, Board Member
 David Harrison, Board Member
 Kaliani Lyle, Board Member (from item 3)

In attendance: Jane Ryder, Chief Executive
 Judith Hayhow, Head of Resource Management
 Quentin Fisher, Acting Head of Policy & Development
 Martin Tyson, Head of Charity Services
 Laura Anderson, Head of Enquiry & Investigation

		ACTION
1.	<p>Declarations of interest</p> <p>There were no declarations of interest.</p>	
2.	<p>Chairman's introduction</p> <p>The Chair opened the meeting by extending the Board's congratulations to Lindsay Montgomery on his recent marriage.</p> <p>He noted that most of the items on the agenda involved taking stock of OSCR's performance in various respects and provided a basis for continuous improvement in what the surveys and indicators showed was already good performance.</p>	
3.	<p>Matters arising from the meeting of 24 March 2010</p> <p>The minutes were agreed as a fair and true record</p>	

of the previous meeting.

On matters arising:

- Board appraisals: a summary of board appraisals has been circulated by the Chair and agreed by the Board
- Schedule of Delegated Powers (paper 221-A): items 14 and 15 had been amended in the light of the discussions. The Board agreed the amended schedule.
- OSCR Review Procedures (paper 221-B): after some discussion, it was agreed that para 7 should be amended to the effect that the Board will not normally/usually conduct a review of one of its own first instance decisions without independent legal advice. There was also some discussion as to how the provisions in para 20 about not routinely publicising decisions sat with those in para 11 where minutes of review panel meetings are to be made publicly available. Members noted that the difference reflected the increased transparency required where there is Board involvement in the original decision, but the wording needed to reconcile the apparent discrepancy. There would be further discussion of this by email. Subject to agreement on this point, the Board agreed the amended procedures.
- Annual report recommendations: dealt with under item 4.
- Independent Schools: members noted the publicity around Mike Russell's speech to the SCIS annual dinner – this had been positive for OSCR.
- Audit Committee: David Hughes Hallett confirmed that he was happy to replace Martin Crewe on the committee.

Head of P&D

4.	<p>Annual Report Recommendations</p> <p>The Board discussed the Recommendations in paper 222 in the light of the recent discussions between the Chair, Chief Executive and Minister for Community Safety, and the latter's positive attitude towards further recommendations. Members noted the possibility of using the provisions in the Public Sector Reform Act for amending primary legislation through regulation: could some of our recommendations be affected this way? There was a general view that, as well as the particular recommendation on reviewing the charity reorganisation provisions, the recommendations listed at 7.1-7.5 remained important. The Board agreed that the draft paragraphs for the Annual Report should be amended to include three recommendations:</p> <ul style="list-style-type: none"> • The outstanding specific recommendations • Review of the reorganisation provisions • Review of the operation of the 2005 Act as a whole in the longer term 	Head of P&D
5.	<p>Risk Discussion</p> <p>The Board considered the paper on risk and agreed the overall risk framework was comprehensive and appropriate. In more detail, it was noted that the Audit Committee discusses risk and the Risk Register at every meeting. It was agreed that the Risk Register should come to the Board for discussion once every 12 months.</p> <p>It was further agreed that financial risk represented the most significant risks for both OSCR and the sector for the foreseeable future and the Board agreed the proposals for scenario development in advance of detailed corporate planning for 2011-14. There would be further Board discussion later in the year as an integral part of corporate planning 2011-14. The afternoon and evening of November 16 had already reserved for wider Board discussion,</p>	
6.	<p>Staff Matters</p> <p>Staff Survey: the Board noted the very good results for OSCR in the Civil Service-wide survey – 4 top 5 places in 9 sections of 96 bodies surveyed. The main area for improvement was learning and development, although OSCR was still 26th out 96 organisations. SMT were already working on this. The Board discussed the result. The following was</p>	

	<p>commentary in respect of any actions taken as a result of each complaint.</p>	
<p>9.</p>	<p>Annual Concordats Report</p> <p>OSCR has 11 concordats in place with other regulators, and Members considered Paper 227 which outlined the benefits of such agreements, together with the practical benefits stemming from them, during 2009-10. Looking forward to 2010-11, Members noted that OSCR hopes to finalise new concordats with the Gambling Commission and Charity Commission for Northern Ireland, and that the Board would be asked to formally approve these once they have been drafted.</p> <p>It was agreed that in the interests of the more effective use of resources, from 2010-11 each would normally only be reviewed every 3 years rather than being reviewed on an annual basis. However, if there was a significant change of circumstances etc, then an earlier review would be initiated</p>	
<p>10.</p>	<p>Scotinform Presentation</p> <p>Janet Sylvester of Scotinform presented the results of the Annual Survey of Charity Trustees and the General Public. While there the results were largely as would be expected, key points included the following.</p> <p>In respect of Charity Trustees:</p> <ul style="list-style-type: none"> • Funding continues to be the main concern for charities • 41% of charity trustees indicated that they would be interested in completing documentation electronically • It was suggested that there was some potential for misleading conclusions re responses in respect of communications from OSCR, as the charity trustees responding to the survey were not necessarily the OSCR main contact point within the charity. <p>In respect of the General Public:</p>	

	<p>Reporting IT procurement, future publications and “Managing the Workforce”.</p> <p>Members also reviewed the performance statistics. In future narrative would be added to clarify that the 90 day target for new status applications referred to in 4 was a non- statutory target.</p>	<p>Head of Charity Services</p>
<p>13.</p>	<p>DG Justice and Communities</p> <p>The Board was pleased to meet with Stella Manzie, the Director General for Justice and Communities and discussed among other things OSCR’s relationship with SG, the financial context and the some issues facing the sector.</p>	