

MINUTES

OSCR BOARD MEETING

Held on 17 October 2009 @ 9.15 am

Scottish Legal Aid Board, Edinburgh

Present: John Naylor, Chair
 Lindsay Montgomery, Deputy Chair
 David Hughes Hallett, Board Member
 Iris McMillan, Board Member
 Fiona Ballantyne, Board Member
 Annie Gunner Logan, Board Member
 Martin Crewe, Board Member

Apologies Oscar Mendoza, Board Member

In attendance: Jane Ryder, Chief Executive
 Marieke Dwarshuis, Head of Policy & Development
 Martin Tyson, Acting Head of Charity Services
 Laura Anderson, Acting Head of Enquiry & Investigation

		ACTION
1.	<p>Chairman's Introduction</p> <p>Apologies were noted from Oscar Mendoza.</p> <p>The Chairman noted that there was only one matter arising – that of the Rolling Review. In terms of AOB, it was noted that Jane Ryder wished to provide an update regarding Lloyds TSB Foundation Scotland and also to discuss a staffing matter.</p>	
2.	<p>Minutes and Declarations of Interest.</p> <p>The Board considered the Minutes from the meeting on 18th September 2009. After discussion an amendment was approved to section 4.2 to reflect that the role of the Board would not normally make individual decisions. In addition, some further minor amendments were</p>	

	<p>agreed and subject to these changes, the minutes were approved.</p> <p>No declarations of interest were noted.</p>	
3.	<p>Rolling Review</p> <p>3.1 Members considered Board paper 197 which provided further information in relation to the independent schools in Phase 1a and progress made against the Directions issued. In particular, the paper outlined some principles regarding how other non-charged for activities may contribute to the provision of public benefit.</p> <p>3.2 Martin Tyson and Marieke Dwarshuis provided an introduction to the paper, in particular focusing on the difficulties of trying to measure the impact of non-charged for benefit.</p> <p>3.3 Members noted the wording of the Directions issued to the schools concerned – in particular use of the term “ensure” in the Directions. Members discussed what this entailed in terms of plan detail</p> <p>3.4 Extensive discussion took place regarding how the impact of the non-charged for activities might be assessed and what is the cumulative value of non-charged for access relative to facilitated access.</p> <p>3.5 The monitoring of the progress made by the schools against the plans was also discussed. It was agreed that:</p> <ul style="list-style-type: none"> • OSCR would need to consider the process by which it would monitor the progress of the schools • Any plan should include clear milestones that relate to the ability of the school to make decisions and take corrective action • The onus should be on the institution concerned to provide early warning to OSCR of any issues arising that may impact on their ability to achieve the plan • Taking into account the milestones 	

within the plan, there are likely to be pivotal points where OSCR would want to meet with the charity concerned to ascertain progress and carry out some checks to validate.

3.6 In terms of assessing the significance of non-charged for benefit, members discussed the possibility of assigning numerical values or weightings to the various elements outlined within the Plans in order to have a measure that could be used alongside the existing statistics for means tested support and facilitated access. However it was recognised after discussion that this may lead to oversimplification. While greater quantification will be helpful, it would not be possible to quantify everything. It was also recognised that cost is not necessarily synonymous with impact.

3.7 Members expressed some concern regarding the level of specificity within some of the plans. It was noted that the nature of some of the elements in the plans makes the ability to be specific quite challenging in many cases – for example, the impact or success of some elements of the plans is not wholly within the control of the schools but is dependent on other bodies. Members agreed however that a plan is required, not a just a statement of intent.

3.8 Members recognised that the ability of the schools to achieve their plans by October 2011 may be affected by the recession and resulting changes in climate and society; it was agreed that plans can change and adapt to different environmental factors.

3.9 The Board were not persuaded that the current information was sufficient to enable decisions to be made. The Board indicated that the assessment of the significance of non-charged for benefit requires further work, providing more precision and clarity to enable presentation of the information in a more systematic way. The following areas required consideration by OSCR and/ or the schools :

- Hierarchy/weighting- what weighting will

4.	Lloyds TSB Foundation Scotland The Chief Executive provided an outline to members of the current issues arising in light of recent press coverage of the issues. It was noted that strategic discussions have already been held between OSCR and the charity.	
5.	Any other business Marieke Dwarshuis announced to members that she would be leaving on 1 February 2010 to take up a new post as Director of Consumer Focus Scotland. The Board congratulated her on this appointment and expressed their thanks for her hard work and dedication to her role with OSCR. The meeting finished at 12.30	