

MINUTES

OSCR BOARD MEETING

Held on 06 September 2011 @ 9.45 am

OSCR, Dundee

- Present:** Graham Forbes, Chair
 Lindsay Montgomery, Deputy Chair
 David Hughes Hallett, Board Member
 Kaliani Lyle, Board Member
 Annie Gunner Logan, Board Member
- Apologies:** David Harrison, Board Member
 Fiona Ballantyne, Board Member
 Oscar Mendoza, Board Member
- In attendance:** Jane Ryder, Chief Executive
 Judith Hayhow, Head of Corporate Services
 Quentin Fisher, Head of Policy & Development
 Martin Tyson, Head of Charity Services
 Laura Anderson, Head of Enquiry & Investigation

		ACTION
1.	Declarations of interest None were noted	
2.	Minutes of the meeting of 30 June 2011 and matters arising Minutes approved. No matters arising. The Head of Enquiry & Investigation provided a brief update regarding the progress of the ASB's work in relation to new accounting standards at the request of the Board.	
3.	Chief Executive recruitment A discussion in private took place between Board members regarding the current status of	

	<p>the recruitment process for a new Chief Executive. It was noted that the arrangements for interviewing and assessing candidates had been agreed and that there was a strong list of candidates.</p>	
<p>4.</p>	<p>Schools directions – proposed process The Head of Charity Services provided an introduction to the paper presented, highlighting the importance of agreeing the process for making decisions in respect of the schools’ compliance with the directions and establishing the principles for doing so. It was agreed that it was important to agree who was responsible for making these decisions.</p> <p>The Board discussed whether the first instance decision should be made by OSCR staff or the Board. IT was agreed that for consistency and in order to ensure a robust overall process, all decisions should be taken by the same means. It was further agreed that, regarding the schools’ compliance with Directions, the decisions would be taken by the Board in the first instance. It was felt that this was appropriate on the basis of the decisions being novel, contentious and sensitive, as set out in the Scheme of Delegation.</p> <p>It was agreed that the Board taking the decision in these cases did not mean that they would necessarily do so in respect of similar decisions in future – rather it is intended to establish firm policy and principles on which decisions regarding similar issues may be taken in the future.</p> <p>It was noted in discussion that if a first instance decision were taken by staff and a review is sought by any affected charity, the Board would in any case have a role in that review. It was noted that the <u>quality</u> of the decision at whatever stage the Board were involved would be the key factor if a decision were to go to review and appeal. The Board were therefore content for the potential scenario that any review of the first instance decision to be conducted according to the agreed review procedure HCS advised that any variation would be sought by the charity not by OSCR. In relation to the possibility of variation of any of the directions being sought by a charity, the HCS highlighted</p>	

	<p>that any decision to vary the directions would have to be taken prior to the expiry date (in this case 28 October 2011) The Board agreed that for consistency any decision to vary would be taken by the Board in the first instance, on the basis that this would be the first occasion that this power would be used following its introduction. If such a decision were required, on the basis that it would need to be prior to the next Board meeting in November, the HCS would circulate the relevant papers to Board members with a recommendation for a decision. Board members noted the tight timescale likely to apply.</p> <p>Assuming no such variation was sought by the charity, the Board were content that staff should submit recommendations for their decision to the November Board meeting, based on the assessment principles set out in the paper.</p>	
<p>5.</p>	<p>Public Focus strategy revised</p> <p>Members considered the Public Focus Strategy 2011-14 which had been revised in accordance with previous Board recommendations. The Strategy was approved for consultation, subject to the addition of narrative stating that it would be reviewed in 12 months time.</p> <p>Members noted that as far as we are aware, OSCR will be the first public body to meet the requirements of the Public Services Reform (Scotland) Act 2010, by consulting on our User Focus Strategy.</p>	<p>QF</p>
<p>6.</p>	<p>Open Meeting final arrangements</p> <p>Members noted and approved the proposed content and timings in respect of the 2011 Open Meeting. It was noted that LM will not be able to participate in the Public Benevolent Collections workshop but this will be chaired by GF. There was some discussion around the plenary session on OSCR online, and JR confirmed that the content and delivery of this element were still subject to finalisation.</p>	<p>JR</p>

7.	<p>OSCR governance</p> <p>The Board, recognising the importance of being aware of developments in the public sector in Scotland and in England and Wales, briefly discussed the publication of the new OCPAS Code for Appointments and noted the Standards Commission Strategic Plan as well as the Code of Conduct for Board Members of Public Bodies published the (UK) Cabinet Office.</p>	
8.	<p>Chief Executive's report</p> <p>The Board noted the Chief Executive's report which included developments around governance and policy as well a number of operational and staffing matters. Areas of specific interest included OSCR's working relationship with the Scottish Government, the International Charity Regulators Conference, updates on a number of high profile cases, the Outreach programme, SCIOs and OSCR online.</p>	
9.	<p>Transition arrangements</p> <p>The Board discussed the CEO's transition paper. She will leave on 30 September. The Board were generally content with what was proposed, but noted that timings might become clearer following the next stage of the recruitment process (see 3 above). It was agreed that the CEO should defer seeking the Permanent Secretary's appointment of the (interim) Accountable Officer) until the recruitment result was available.</p>	