

Scottish Charity Regulator

Media Pack

Our vision is...

**A trusted and respected
Scottish charity sector which
positively contributes to society.**



1. Who is OSCR?

The Scottish Charity Regulator (OSCR) took up its full powers under the Charities and Trustee Investment (Scotland) Act 2005 on 24 April 2006. OSCR is a Non-Ministerial Department and part of the Scottish Administration.

While operationally independent of Ministers, OSCR reports to the Scottish Parliament and has a duty under the Act to advise Ministers on matters relevant to its work.

OSCR is the independent registrar and regulator for Scotland's 25,000 charities.



1.1 What does OSCR do?

We are a Scotland-wide regulator with 46 staff (full time equivalent) based in one office in Dundee, performing a number of functions including:

- considering applications for charitable status (approx 1,200 a year)
- publishing and maintaining the online Scottish Charity Register (c 100,000 searches a month)
- monitoring charities' accounts and encouraging compliance with the legislation
- granting consent to proposed changes to charities (change of name, winding up, amalgamation)
- investigating concerns about charities
- supporting trustees and facilitating compliance

Our website www.oscr.org.uk contains background information on Scottish charities and charity regulation. The Scottish Charity Register is updated daily and has a variety of search criteria in addition to the main search by Scottish charity number and/or charity name.

Through the website you can easily find charities that are late in submitting accounts; charities removed from the Register; and Inquiry Reports where we have issued directions. Summary and performance information can be found in OSCR's Annual Report and Accounts.

1.1 What does OSCR do? (cont.)

Every Scottish charity must report to OSCR annually. Our reporting framework has been designed to be as straightforward as possible for smaller charities.

- All charities must provide OSCR with a copy of their annual report and accounts.
- All charities must complete an online annual return. The questions needing answered will vary depending on the size of the charity. All charities with an annual income of under £25,000 will have to answer very few questions. Those with an income over £25,000 will have to supply more information, particularly around governance issues. Charities with an income over £250,000 have to supply more detailed financial information.

1.2 OSCR's governance

OSCR's strategic priorities and direction are set by its Board of 6 Non-Executives, led by the Interim Chair George Walker. OSCR's operational priorities and objectives are set by the Senior Management Team (SMT) led by the Chief Executive, Maureen Mallon.

OSCR Board



George Walker
Interim Chair from April 2021



Patricia Armstrong OBE
Deputy Chair, Audit Risk and Assurance Committee Member



Jill Vickerman
Casework Committee Chair



Jessica Wade
Audit Risk and Assurance Committee, Casework Committee Member



Shona Ulrichsen
Audit Risk and Assurance Committee Member



Stephanie Fraser
Casework Committee Member

OSCR Senior Management



Maureen Mallon
Chief Executive



Martin Tyson
Head of Regulation and Improvement



Judith Hayhow
Head of Corporate

1.3 OSCR general contact information

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Media queries

OSCR is committed to an open, professional relationship with the media. We will respond as quickly as possible to incoming queries, generally by return to acknowledge the contact, although more complex requests may take longer. It helps if you supply your name, news organisation, preferred contact method and timescale. Where we are unable to respond within the requested time, we will say so.

Media queries should be directed towards Ian Grieve (Digital & Communications Manager), John Fellows (Senior Digital & Communications Manager) or Judith Pogorzelec (Digital & Communications Officer).

2. About Scottish charities

Charities carry out a wide range of work in Scotland, and elsewhere. There are many 'big name' charities that you will recognise, working nationally or internationally, as well as smaller charities that are active in your community and working on a more local basis.

There are also many groups and organisations that you may not be aware are charities.



2.1 Types of Scottish charities

Here are some examples of Scotland's charities:

- Community groups
- Village halls
- Pre-school playgroups
- Churches and religious groups
- Swimming pools, art galleries and museums
- Universities and colleges
- Independent schools
- Care providers
- Training providers
- Animal welfare groups
- Agricultural societies
- Student organisations
- Scouts, Guides, Cub Scouts, Brownies, Beavers and Rainbows
- Ex-services organisations
- Environmental groups
- Charities providing grants or services to other charities

The charity sector in Scotland handles £14 billion of income each year. Part of OSCR's job is to make sure that this money is properly accounted for and is used for charities' stated purposes.

2.2 Legally, what is a charity?



In Scotland, an organisation can only call itself a charity if it is entered in the Scottish Charity Register, published and maintained by OSCR. And only charities that are based in Scotland, or are controlled from Scotland, can say they are a 'Scottish charity' or 'a registered Scottish charity'. OSCR has powers to take action against those claiming to be charities when they are not.

All charities in Scotland must meet the 'charity test'. This is set out in law and means that among other things, charities must:

- Have only charitable purposes
- Provide public benefit
- Use their funds and property only for charitable purposes
- Allow fair access to the benefit they provide
- Not be, nor exist to advance, a political party.

Charities can exist in a number of 'legal forms' – how the organisation is constituted and run. Most are unincorporated associations, or companies limited by guarantee, some are trusts and in recent years many are Scottish Charitable Incorporated Organisations (SCIOs). However the charity is set up, the consistent requirement is that they must all, as charities, comply with charity law and report to OSCR as regulator.

2.3 How are charities set up?



An organisation seeking to become a charity must apply to OSCR. We will consider whether the organisation meets the charity test.

2.4 How must charities behave?



Charities must work to achieve their stated charitable purposes. Charitable purposes are set out in law – for example, the relief or prevention of poverty, the advancement of education – and each charity has a governing document that explains what it exists to achieve.

Every charity is run by a group of ‘charity trustees’, those who are in control of the charity and manage its affairs.

The trustees have clear legal duties to observe, and overall they must act in the charity’s best interests and aim to meet its stated purposes. We have powers to take action where this is not the case.

Where there are concerns that an organisation is conducting criminal activity, the Police should be contacted.

Charities receive income and raise money in a variety of ways. For example they may:

- receive public money from Councils or the Scottish Government
- receive grants from public bodies or other charities
- be given a legacy in someone's will
- be given donations by individual benefactors or philanthropists
- raise money at events, on the doorstep or in workplaces
- gather clothing or goods to sell, from doorsteps or collection centres
- send appeals for funds through the post or through email
- ask for cash donations or direct debits on the street.

An organisation does not have to be a charity in order to raise funds for good causes. Some charities may raise funds themselves or employ companies or individuals to raise money on their behalf.

2.5 How do charities raise money?



3. Media FAQs

Can OSCR give us more information about an inquiry?

OSCR will generally not comment about the status of an ongoing inquiry.

Information about how we handle concerns and inquiries work can be found in our inquiry guidance.

Can OSCR confirm whether any concerns have been raised about charity Y?

There may be cases when we will not confirm if we have received concerns about particular charity. Exceptions can include where information is already in the public domain.

Can you provide statistical information on your work?

OSCR publishes monthly reports on its website with statistical information.



3. Media FAQs (cont.)

What information does OSCR provide about charities?

OSCR provides public information about individual charities through the Scottish Charity Register, which is published at www.oscr.org.uk and updated on a daily basis. You can search the Register to check whether an organisation is a charity, see a list of charities in a particular area or check whether a charity is up to date in reporting to OSCR.

Can I get a copy of a charity's accounts?

Yes, charities must provide any member of the public with certain information. You are entitled to see a charity's latest set of accounts and its constitution, and the charity must provide this information on request – although they may charge a cost for doing so. Charities must also state clearly on their documentation – such as leaflets, letterheads and advertising – that they are a charity.

Some charity accounts are published on the charities register entry and if the charity is also a company the accounts will be available at Companies House. From April 2016 we have been providing on the Scottish Charity Regulator copies of annual reports and accounts for charities with an income over £25,000 and all SCIOs.



3. Media FAQs (cont.)

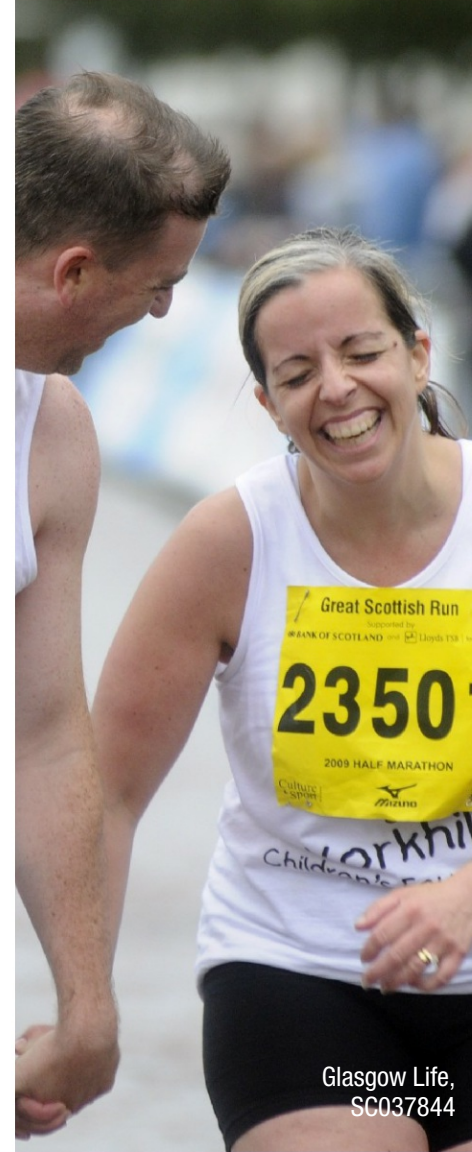
Who regulates fundraising?

Charity fundraising in the UK is governed on a self-regulatory basis. This means that the charity sector itself sets the standards for charity fundraising, with some laws underpinning the self-regulation. Under self-regulation individual charities are the first point of call for any complaints about fundraising practices. Where a charity is unable to resolve the complaint, the complainant can escalate it the Scottish Fundraising Standards Panel in Scotland (for Scottish charities) or the Fundraising Regulator (for English, Welsh, Northern Irish and most cross-border charities).

My query relates to a cross-border charity, can you help?

Cross-border charities are registered with both OSCR and the Charity Commission for England and Wales. With these charities we operate a lead Regulator model. In general, this means that the Charity Commission for England and Wales will be the lead Regulator when the charity's principal office is based in England or Wales.

In these instances, you should contact the Charity Commission for a response.





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