

**PAPER NUMBER: 2014-05-07/BOARD/381**

**MINUTES**

**OSCR Board meeting**

**Held on Tuesday 4 February at 10am at OSCR Offices, 9 Riverside Drive Quadrant House, Dundee**

**Present:** The Very Rev Dr Graham Forbes, Chair

Annie Gunner Logan, Board Member

Fiona Ballantyne, Board Member

David Hughes Hallett, Board Member

Kaliani Lyle, Board Member

**In attendance**: David Robb, Chief Executive

Martin Tyson, Head of Registration

Laura Anderson, Head of Enforcement

Judith Turbyne, Head of Engagement

Judith Hayhow, Head of Support Services

Nicola McBain, Board Secretary

Paula Duncan (OSCR staff observer)

Caroline Monk (OSCR staff observer)

|  |  |  |
| --- | --- | --- |
|  |  | **ACTION** |
| **1.** | **Apologies**    Apologies received from Lindsay Montgomery and Prof. David Harrison. |  |
| **2.** | **Declarations of interest**  Kaliani Lyle declared an interest in respect of Board Paper 374, the St Margaret’s Children and Family Care Society SCAP Appeal as Scotland Commissioner for the Equality and Human Rights Commission. |  |
| **3.** | **Agenda item 5: St Margaret’s Children and Family Care Society** (Kaliani Lyle excluded herself from this discussion)  The Head of Registration introduced Paper 374.  The Board noted the paper and the contents of the SCAP judgement on the St Margaret’s Children and Family Care Society and agreed that legal advice would be sought from Brodies to help inform a future meeting of Board that would make a decision on whether this judgement should be appealed. The appeal must be lodged in full by 14 March 2014.  It was also agreed by the Board that OSCR will undertake a review of current operating procedures to ensure that, pending the decision on whether to appeal and the outcome of any appeal, they take due cognisance of the implications of the SCAP decision. | **MT**  **DR** |
| **4.** | **Agenda Item 1: Minutes of previous meeting – 12 November 2013 – and matters arising**  Minutes approved    The Trustee Register Business Case is presented as Board Paper 373.  The adjustments as requested to OSCR Review Arrangements (Board Paper 366) will be re-considered by the Head of Registration following the St Margaret’s Children and Family Care Society Appeal decision. | **MT** |
| **5.** | **Agenda Item 2: Chief Executive’s Report**  The Chief Executive introduced paper 371.  The Chief Executive noted that we have still to receive the full reasons from the Tayside Foundation for the Conservation of Resources SCAP hearing held in September 2013. OSCR staff have followed this up but had no response, so the Board agreed that the Chief Executive should write a formal letter to the Head of the Tribunal Service asking why there had been a delay and when the reasons should be expected.  The final batch of decisions on the fee-paying schools was issued on 24 January 2014.  The Risk-led Regulation programme was making progress and a Programme Board Meeting was to be held on 6 February 2014. The Chief Executive said that the impact is now being felt on high risk cases and a more detailed update on the programme’s progress would be given at the next Board Meeting.  The Chief Executive advised the Board that the Scottish Parliament Standards Committee is carrying out an inquiry into lobbying and that he will give evidence at the inquiry in February 2014. One of the main proposals being discussed is whether to establish a Register of Lobbyists and varying views about this had been expressed by other bodies. OSCR was considering its views taking account of our current Referendum Guidance and the Board would be kept updated on the inquiry’s progress.  The 2013 survey results had been published and an Improvement Plan had been sent to all staff. There had been some adverse comment about the drop in some results. The Board acknowledged the results, but gave a supportive view advising that it was expected as result of the changes introduced during 2013. The Chief Executive noted this, and advised that the IiP Assessors interviews expected next month would also provide further information to inform the Improvement Plan and also that training has been arranged for OSCR’s Leadership Group.  Progress was queried with regard to the Fife Animal Park inquiry and the Head of Enforcement advised that OSCR is being assisted by Fife Council in terms of expert advice on animal welfare and licensing matters.  Regarding performance information, it was likely that we would fall slightly below our internal performance indicator of closing 75% of all inquiry cases within 9 months. This is as a result of the closure of a number of older cases and the figure will be around the 72% level. | **DR**  **LA**  **DR** |
| **6.** | **Agenda Item 3: Corporate Plan 2014-17**  The Head of Support Services introduced paper 372. She advised that the report outlined SMT’s considerations in respect of the 2014-17 Corporate Plan specifically on audience, format and engagement. She said the plan format would vary slightly from previous years, and that the aim was to have a concise finished document, which clearly articulates our strategic objectives together with information about how delivery will be measured.  She then circulated a summary of SMT’s considerations in respect of Strategic Priorities and outcomes which she asked that Board members consider and provide feedback on (by email). The Head of Engagement said there would be two consultation events held in Stirling and Aberdeen (13 and 14 February 2014) to discuss the plan and this would be supported with a written consultation available on OSCR’s website. Board Members were invited to attend these events, and asked to notify the Head of Engagement if they planned to do so.  Members noted that unlike previous years, the consultation will not be about a full written plan, but will focus primarily on ensuring that the Objectives and outcomes are understandable, and that measurement and reporting against them is possible.  The Head of Support Services advised that staff have been consulted on the Corporate Plan development and at their session had identified key priorities and challenges which will be abbreviated and used within the documents context. The Chair asked that the context also take account of how OSCR responds to legislative change.  It was queried how the outcome measures would be reported to the Board. The Chief Executive noted this, and advised that once finalised the outcome measures would inform the Business Plan and progress monitored monthly by SMT. He also said that if timing allowed it would have been useful for the Corporate Plan to be influenced by the results of our survey’s and incoming Board members and that it may need to be revisited again in the Autumn following the Referendum decision.  The Board noted the paper. | **All Board Members**  **JH**  **DR/JH** |
| **7.** | **Agenda item 4: Trustee Register Business Case**  The Head of Registration introduced Paper 373. He noted that the Board had asked for a business case for   * establishment of a database holding minimal personal details of trustees for internal use * including trustee names on a charity’s entries on the Scottish Charity Register   He said the paper outlined thinking in both cases and supported this with a SWOT analysis and an outline of expected costs. The main task will be the establishment of the database and the initial collection of every trustee’s details, and once established there would be various mechanisms including an online facility to allow charities to update at any time.  There was a strong consensus within staff that the creation of a database would bring direct regulatory benefit and would facilitate us in being a more preventative and proactive regulator. The Charity Commission for England and Wales have had this in place for some time and it allows them to carry out quite detailed intelligence analysis. The Chief Executive re-iterated this, and advised that OSCR was exposing ourselves to some vulnerability by not collecting these details.  There was support for an internal database, but concerns raised about publishing personal data. The Head of Registration advised that if we were to publish externally it would only be the name, but acknowledged these concerns. There was also a query about how confident we were in keeping it up to date, as if not, how useful would it be? The Chief Executive said that the mechanisms for updating would be as simple as possible with an online update promoted. However he did acknowledge that the first collection of the information will be onerous and the resource capacity to establish this would need further examination.  Finally it was asked what would be the consequence for charities not providing the information? The Chief Executive said it was not a statutory requirement and it is difficult currently to determine how many would not; however the sector generally do comply with our requirements so it is hoped this would not be substantive. There is also the possibility to include this requirement within regulations to make it a statutory requirement.  The Board agreed with the recommendations to proceed with detailed planning of an internal database and further consultation with partners on both options. They asked to be updated on progress as part of the Chief Executive Report. | **MT / DR** |
| **8.** | **Agenda item 6: Audit Committee Minutes**  The Head of Support Services introduced Paper 375. The Chair nominated Prof. David Harrison as the new Chair of the Committee, as Lindsay Montgomery will be leaving and this was agreed by Board members.  The Board noted the minutes. |  |
| **9.** | **Agenda item 7: Board Management Accounts and Commentary**  The Head of Support Services introduced Paper 376. She advised that a number of items of expenditure were expected prior to 31 March 2014 including development work on OSCR Online, costs for a Public and Charities Survey and work to enhance the OSCR website. Members noted that subject to expenditure on these items being incurred as planned, an underspend of 2-3% against the £3.0m budget would be anticipated.  It was also noted that there were likely to be financial implications associated with the Board’s consideration of the SCAP decision, in addition to those potentially associated with actioning any decision.  The Board noted the paper. |  |
| **10.** | **Any other business**  No other business was noted. |  |