

PAPER NUMBER: 2013-06-25/BOARD/350

MINUTES

OSCR Board meeting

Held on Wednesday 15 May at 2pm

At Mental Welfare Commission for Scotland, 91 Haymarket Terrace, Edinburgh

Present: The Very Reverend Dr Graham Forbes, Chair
Lindsay Montgomery, Deputy Chair
Fiona Ballantyne, Board Member
Annie Gunner Logan, Board Member
Prof. David Harrison, 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 Hayhow, Head of Support Services
Moira Cathcart, Senior Legal Advisor
Lisa McGhee, Casework Policy Manager

		ACTION
1.	Apologies No apologies were received from Board members.	
2.	Declarations of interest David Robb declared an interest in a verbal update provided separately under Agenda item 2.	

<p>3.</p>	<p>Agenda Item 1: Minutes of previous meetings – 14 February and 27 February 2013</p> <p>Minutes approved.</p> <p>The Head of Support Services advised that a draft OSCR response had been prepared on the Scottish Government’s ‘Consultation Paper on Ethical Standards in Public Life’ and that this would be shared with Board members after the Board meeting.</p> <p>Board members were asked to provide their feedback as soon as possible. Contact has been made with the Scottish Government; it has no note of an OSCR dispensation.</p>	<p>JH</p>
<p>4.</p>	<p>Agenda Item 2: Chief Executive’s Report</p> <p>The members of the Senior Management Team presented the Chief Executive’s Report on recent notable events (Paper 344). The Head of Registration told the Board that the SCAP Hearing on St. Margaret’s Children and Family Care Society will be held in September. The charity’s request to SCAP to direct OSCR to issue its legal advice to the charity was refused.</p> <p>The Tayside Foundation for the Conservation of Resources hearing takes place on 19 June. A date has yet to be set for the Dyspraxia Scotland hearing. The Board queried the submission to SCAP of information not available at the original decision. The Board was advised that SCAP’s rules are drawn widely, and that a decision based on new information was an option.</p> <p>The Head of Registration advised that one or more Board members may be called as witnesses in the St. Margaret’s Children and Family Care Society case. SCAP Hearings are open to the public, although witnesses or potential witnesses are not permitted to observe.</p> <p>The Board were updated on other high-profile cases. OSCR is now in the process of retaking the Dalkeith Miners Charitable Society decision which the Court of Session had remitted to OSCR. The Board noted the most recent decisions issued to independent schools and that work continues with the next batch of schools shortlisted for review.</p> <p>There was discussion about a charitable arms-length organisation (ALEO) currently the subject of scrutiny by</p>	<p>DR/LA/MT</p>

	<p>of almost 70 applicants, predominantly from outside the civil service. The board were delighted with this news.</p> <p>Finally, there was discussion around the findings in the Engagement Strategy Summary Report, most notably the name of the organisation. It was agreed that a re-branding was not necessary or desirable but that ‘Scottish Charity Regulator’ was more accessible and recognisable than ‘OSCR’, particularly for the public. It was agreed to gradually introduce the organisation in this way, and that, in some circumstances, ‘Scotland’s Charity Regulator’ might also be appropriate.</p> <p>The Board noted the CEO report.</p>	
5.	<p>Agenda Item 3: Review of annual activity (management information summary, complaints and FOI requests)</p> <p>The Senior Management Team responded to procedural questions as they arose. The Board commented that the table provided at Annex 1 was informative and helpful. The Board asked for a column to be added to this table, indicating whether the complaint received was justified, not justified or part justified.</p> <p>The CEO observed that OSCR is receiving more complex FOI requests than it had done in the past.</p> <p>The Board noted the paper.</p>	LA
6.	<p>Agenda Item 4: Budget split</p> <p>The Head of Support Services presented the paper on OSCR’s 2013-14 provisional budget allocation and split.</p> <p>There was some discussion about the increase in legal expenditure in 2012-13 and the expectation that this will continue. The Board asked for an outline of the financial projections for 2014-15 and 2015-16 to be provided at the next meeting.</p> <p>The Board noted the paper.</p>	JH
7	<p>Agenda Item 5: Minutes from Audit Committee Meeting (February)</p> <p>There were no matters arising.</p> <p>The Board noted the paper.</p>	

8	<p>Agenda Item 6: Recommendations for Scottish Ministers</p> <p>The Chief Executive explained that the 2012-13 annual report and accounts were due to be presented before Parliament shortly and that he wished to approach this exercise more strategically.</p> <p>The content of the paper presented on information, advice and proposals for Scottish Ministers was well received.</p> <p>There were requests for better evidence to be provided in the report before this goes to Ministers, to illustrate why a certain recommendation is being made and the potential impact that any future change could have. It was felt that this was particularly relevant where areas of concern are noted.</p> <p>It was also commented that if this paper is intended to set out general concerns about the charity sector as well as legislative or policy recommendations, that there is more to say, particularly in relation to pensions, charities drawing on reserves and difficulties in recruiting trustees. The Chief Executive thanked the Board for their feedback and advised that the paper would be further refined before being re-issued for comment.</p> <p>The Board noted the paper.</p>	DR
9	<p>Any other business</p> <p>None raised.</p>	