

PAPER NUMBER: 2014-/BOARD/399

MINUTES

OSCR Board meeting

**Held on Wednesday 24 June 2014 at 10am at OSCR Offices, 9 Riverside Drive
Quadrant House, Dundee**

Present: The Very Rev Dr Graham Forbes, Chair
 Prof. David Harrison, Vice Chair
 Fiona Ballantyne, Board Member
 David Hughes Hallett, Board Member
 Kaliani Lyle, Board Member
 Pat Armstrong, Board Member
 Stuart Cross, Board Member
 Shona Ulrichsen, 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

		ACTION
1.	Apologies No apologies were noted.	
2.	Declarations of interest No declarations of interest were noted.	
3.	Agenda item 1: Minutes of previous meeting. The minutes of 7 May 2014 were approved subject to one change to section 5 (Risk-led Regulation: Proposals for annual reporting).	NM

<p>4.</p>	<p>Agenda Item 2: Chief Executive’s Report</p> <p>The Chief Executive introduced paper 389.</p> <p>He highlighted the management information for May 2014. There was one shift to note in respect of charities removed from the Register that sees a significant increase reflecting the decisions made on reorganisations earlier this year. This pattern will continue as other council reorganisations take effect. The Board noted this and the positive trajectory of the other measures.</p> <p>An update was given on cases, appeals and reviews.</p> <p>In relation to Engagement activity the Head of Engagement advised that the web-site development is proceeding well. The Board welcomed this and asked to view the branding underpinning the new site.</p> <p>It was also advised that the Electoral Commission have produced guidance about the new Transparency of Lobbying, Non Party Campaigning and Trade Union Administration Act 2014. OSCR have had input into this process, but will produce a shorter document that relates directly to the situation in Scotland.</p> <p>In relation to the new Charities SORP the Head of Enforcement noted that this has now been fully approved by the Financial Reporting Council and will be published in early July 2014.</p> <p>Finally it was advised by the Head of Registration that the re-tendering for the legal service contract is underway and a Board member will form part of the evaluation panel. The Board will be advised in due course of the successful tender.</p>	<p>JT</p> <p>JT</p> <p>MT</p>
<p>5.</p>	<p>Agenda Item 3: Risk-led Regulation: Proposals for consultation re Annual Reporting</p> <p>The Head of Enforcement introduced paper 390.</p> <p>This paper followed on from paper 384 discussed at the Board’s previous meeting and sought comments on specific issues prior to a planned consultation on the annual reporting proposals.</p> <p>The Chief Executive noted that in addition to the changes in annual reporting information, more emphasis would</p>	

	<p>also be put on improving the quality of Trustee Annual Reports (TARs). This would be facilitated through the sample checking of TARs and further guidance.</p> <p>After some discussion about the potential impact on charities, the Board:</p> <ul style="list-style-type: none"> • agreed that for the consultation a single income threshold of £25,000 will remain, but for charities with an income of between £5,000 and £25,000 two further questions would be asked to inform the assessment of public benefit • agreed to consult on the introduction of a Serious Incident Reporting scheme, and stressed that it was important to have clear definitions and examples of 'serious incidents'. 	<p>LA</p>
<p>6.</p>	<p>Agenda item 4: Proposals for Schools Review</p> <p>The Head of Registration introduced Paper 391. A brief update was given on the current state of reviews and decisions outstanding. The lessons learnt were outlined and based on these a framework for future monitoring of the fee charging schools was proposed. This framework is aligned to OSCR's Risk Framework and includes improving the quality of TARs and the identification of specific schools for annual monitoring.</p> <p>The Board approved the future monitoring framework.</p> <p>The Head of Registration moved on to discuss the structure of the proposed factual summary report that would conclude the reviews and set out conclusions and lessons learned.</p> <p>The Board discussed the proposed structure and were conscious of the complexity of factors taken into account in the individual reviews complexities and the risk that partial information could cause confusion or distort the picture. They agreed to present a more generalised outline of the approach, the principles and the findings along with the lessons learnt.</p>	<p>MT</p> <p>MT</p>
<p>7.</p>	<p>Agenda item 5: OSCR's Equality Strategy</p> <p>The Head of Registration introduced Paper 392.</p> <p>He advised that we are now in the position to finalise the Equality Strategy following the close of the St Margaret's Children and Family Care Case and the strategy had been updated to reflect how OSCR will apply equalities</p>	

	<p>law to the charity test. This view was discussed previously by the Board and was founded on senior counsel's advice.</p> <p>He noted that this view will also be further explored and supported with examples within the revised Meeting the Charity Test Guidance currently being drafted.</p> <p>The Board approved the publication of the revised OSCR Equalities Strategy.</p>	MT/JT
8.	<p>Agenda item 6: Scottish Government Framework Agreement</p> <p>The Chief Executive introduced Paper 393.</p> <p>He advised that the Framework Agreement sets out the relationship OSCR has with Scottish Government specifically in relation to accountability, finance and governance.</p> <p>There is one clause on financial contingency arrangements that was still subject to discussion with Scottish Government. The Board discussed the clause and were agreeable that these arrangements are covered by the agreement in other areas, and were content to approve the draft with this clause removed.</p> <p>The Board approved the Framework Agreement.</p>	DR
9.	<p>Agenda item 7 : Board Annual Self-Assessment Checklist</p> <p>The Head of Support Services introduced paper 394.</p> <p>She advised that every year the Board carry out a self assessment review. This review allows the Board to satisfy itself that it is operating in a way that allows it to discharge its statutory and other functions. The self assessment has been drafted on the Board's behalf and comments were invited.</p> <p>The Board discussed the comments in respect of the Board induction programme and agreed this should be amended as improvements could be made. It was agreed the three new Board members would discuss their induction experience at OSCR, and feedback their suggestions in respect of improvements.</p> <p>It was noted that there are a variety of Board self assessment tools available, and the Chair advised that</p>	Board members

	<p>he would provide the Audit Committee with information in respect of the process used by another Board of which he is a member for further discussion and consideration.</p>	<p>GF Audit Committee</p>
<p>10.</p>	<p>Agenda item 8: Audit Committee Annual Report</p> <p>The Chair of the Audit Committee introduced paper 395.</p> <p>The Board noted the Audit Committee Annual Report.</p>	
<p>11.</p>	<p>Agenda item 9: Annual Report and Accounts</p> <p>The Head of Support Services introduced paper 396.</p> <p>The Board considered the draft Annual Report and Accounts and confirmed that they were happy with its content. The format of the advice to Ministers section was considered in detail, and some suggestions made in terms of presentation. It was also agreed that a letter from the Chair of the Board would be drafted for issue to Scottish Ministers, to draw attention to the recommendations included in the plan.</p>	<p>DR</p>
<p>12.</p>	<p>Agenda item 10: Risk Registers</p> <p>The Head of Support Services introduced paper 397.</p> <p>She advised that consideration of the OSCR Risk Registers forms an integral part of OSCR's Risk Management approach. They are considered by SMT every 2-3 months, the Audit Committee quarterly and the OSCR Board annually. Most recently the Audit Committee had reviewed the Registers on 13th June 2014.</p> <p>Members noted that an additional risk had been recently added to the Board register to reflect the change of membership of the Board; and to the SMT register to reflect the potential staffing implications associated with a 'yes' vote at the referendum.</p> <p>Following consideration, the Board confirmed that they were content that all risks had been identified and recorded.</p>	
<p>13.</p>	<p>Agenda item 11: Board Code of Conduct</p> <p>The Head of Support Services introduced paper 398.</p> <p>She advised that the Code of Conduct for Members of devolved public bodies had been updated to reflect the outcome of the Standards Commission for Scotland's</p>	

	<p>2013 consultation exercise. OSCR Members were reminded that they had provided a response to that consultation, and it was confirmed that the points raised by OSCR were reflected in the final Code.</p> <p>The Board confirmed that they were happy to accept and adhere to the revised Code of Conduct.</p>	
14.	No other business was noted.	