PAPER NUMBER: 2015-05-06/BOARD/413

MINUTES

OSCR Board meeting

Held on Wednesday 4 February 2015 at 11 am at OSCR Offices, 9 Riverside Drive, Dundee

Present:	The Very Rev Dr Graham Forbes, Chair
	Prof. David Harrison, Vice Chair
	David Hughes Hallett, Board Member
	Pat Armstrong, Board Member
	Shona Ulrichsen, Board Member
	Prof. Stuart Cross, Board Member
	Fiona Ballantyne, 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
	Moira Cathcart, Senior Legal Advisor
	Nicola McBain, Board Secretary
	Caroline Monk, OSCR Observer

		ACTION
1.	**Apologies** No apologies were received. The Board joined the Chair in congratulating Stuart Cross on his recent Professorship.	
2.	**Declarations of interest** No declarations of interest were noted.	
3.	**Agenda item 1: Minutes of previous meeting**. The minutes of 11 November 2014 were approved. All **Matters Arising** are covered in the papers presented.	

4.	**Agenda Item 2: CEO's Report**	
	The Chief Executive introduced paper 409.	
	Performance information: The performance information was noted, highlighting positively that in December 2014 81% of annual returns were submitted online. In relation to the increase in the number of reviews requested in December 2014, it was advised that four of these reviews were in response to one case where a number of trustees had been suspended.	
	Enforcement and registration cases: Verbal updates were given on significant cases.	
	Projects: The Board welcomed the broadly positive reaction to the reports on Fee Charging Schools and ALEO's which had been published.	
	Policy & Operating Environment: The CEO advised that OSCR has been considering a high number of external consultations over the past few months. Specifically he highlighted that we are finalising a response to the Scottish Government consultation on the 'Future of Land Reform in Scotland', and the Head of Registration gave a report on this issue	
	The Board were also advised that the new Regulatory Reform Code will be soon published and although OSCR is already carrying out a number of the actions outlined by the Code, we will need to consider how it influences policy and service development and review.	
	Corporate Services/Staffing: The Board noted the updates in respect of business planning, staffing and finances.	**SMT**
5.	**Agenda Item 3: OSCR Audit Committee Meeting Minutes**	
	The Chair of the Audit Committee introduced paper 410.	
	The Board noted the OSCR Audit Committee Meeting Minutes from 19 November 2014 and welcomed the developments.	
6.	**Agenda item 4: Charity Test Guidance**	
	The Head of Registration introduced paper 411 containing a draft of the revised Charity Test Guidance. The guidance was informed by a Guidance Group made	

	up of three members of the Board and is scheduled to go out for a 12 week consultation beginning 2 March 2015. External legal advice has been sought on the draft, and only a small number of minor changes have been advised.	
	He noted it would be web based guidance and the Board were given a demonstration as to how this would function on OSCR's website by OSCR's Engagement Manager – Policy and Guidance.	
	He noted the guidance does not reflect any major change in OSCR's approach to the Charity Test, however further detail and real case study examples have been added specifically on the charitable purposes.	
	The consultation would have three strands. There will be a usability questionnaire, a consultation response form with questions based on content and finally a number of stakeholder events.	
	The Board noted as this is OSCR's interpretation of the Charity Test we should expect some contention in the responses received. It was advised this has been anticipated, and the Board will be advised of the key themes in the consultation responses once the consultation has closed.	
	There was a discussion about analogous purposes, and how OSCR determines these. It was advised that for these to be accepted there must be a link to one of the other 15 charitable purposes listed in the 2005 Act.	
	Finally a number of stylistic comments were made in respect of changes to the introduction and the inclusion of an example of where OSCR changes its decision following review. These were noted and will be incorporated into the final draft.	
	Overall the Board commended the process taken to develop the guidance and the quality of the draft produced. The draft and the consultation plan were approved.	**MT**
7.	**Agenda item 5: Targeted Regulation - Proposed changes and key messages** The Head of Engagement introduced paper 412. She advised that OSCR is now at the stage to publish the Consultation Report and as part of this communication	

	wants to include 10 key messages that will set out how we will proceed with Targeted Regulation. A change Group, led by the Head of Engagement has been established and those on the group are leading on six main work-streams including the development of a Trustee Database and a project targeting non-submitting charities. The CEO stressed that the changes would be significant and would play out over the next 2-3 years. The Board agreed the key messages and noted the work underway, but asked some questions on the detail of the work-streams being taken forward: • In respect of the Trustee Database, the Board were advised that an internal only database would deliver the majority of the benefits originally outlined with this proposal and would be a key future source of intelligence. • Further detail was also requested on the non-submission project and it was advised that initially the team are focusing on short term actions including overtime to contact charities outwith normal working hours, while also considering our long term policy in this area.	
8.	**Any other business** No other business was noted.	