

**PAPER NUMBER: 2015-06-24/BOARD/419**

**MINUTES**

**Scottish Charity Regulator (OSCR) Board meeting**

**Held on Wednesday 6 May 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  
 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  
 Moira Cathcart, Senior Legal Advisor  
 Nicola McBain, Board Secretary

		<b>ACTION</b>
<b>1.</b>	<b>Apologies</b>  Apologies were received from Fiona Ballantyne.	
<b>2.</b>	<b>Declarations of interest</b>  No declarations of interest were noted.	
<b>3.</b>	<b>Agenda item 1: Minutes of previous meeting</b>  The minutes of 4 February 2015 were approved.  All <b>Matters Arising</b> are covered in the papers presented.	
<b>4.</b>	<b>Agenda Item 2: CEO's Report</b>  The Chief Executive introduced paper 414.	

	<p><b>Performance information:</b> The end-year Management Information was noted. Highlights included the continuing increase in SCIO applications, with this now accounting for nearly half of all status applications.</p> <p>There had been some media coverage in respect of the increased numbers of concerns reported to OSCR. A fuller report on all the figures would be provided in OSCR's Annual Review.</p> <p><b>Registration and Enforcement cases:</b> Verbal updates were given on significant cases.</p> <p><b>Engagement:</b> The Board noted the Engagement update, welcoming the recently completed survey on the website where 75% of respondents saw it as 'Excellent' or 'Very Good'. Further changes to the search facility were also underway so that guidance can be more easily accessed.</p> <p><b>Guidance:</b> It was advised that the consultation on new draft Charity Test Guidance is progressing well. 30 responses to the online survey had been received and 2 of the 6 focus group events held, with Board Member involvement. Both generated positive feedback on the draft guidance and a number of useful suggestions for improvement noted.</p> <p>The consultation would close on 26 May 2015, following which the Board would have an opportunity to view any changes made to the draft guidance at their meeting on 24 June 2015.</p> <p><b>Projects:</b> The Board noted the positive progress of the Change Group. The group was currently on target to have the key work-streams at the appropriate stage in June 2015 to initiate IT procurement.</p> <p><b>Policy &amp; Operating Environment:</b> The CEO advised that Alex Neil, Cabinet Secretary for Social Justice, Communities and Pensioners' Rights is expected to visit on 24 June.</p> <p>He also advised that we are continuing to engage with Scottish Government on Land Reform proposals and are drafting a response to the Local Government and Regeneration Committee in respect of ALEOs.</p> <p>We have written back to the Public Petitions Committee in respect of the further information requested on fee-</p>	<p><b>MT</b></p>
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	<p>charging schools and are awaiting the Committee's further response to this.</p> <p><b>Corporate Services/Staffing</b> The Board noted the updates in respect of business planning and staffing. A copy of the budget split for 2015/16 was also discussed and the Board were pleased to see an increase in Engagement activity.</p>	
<p>5.</p>	<p><b>Agenda Item 3: OSCR Audit Committee Meeting Minutes</b></p> <p>The Chair of the Audit Committee introduced paper 415. He advised that there were no issues following the Audit Work in 2014/15 and that OSCR would be awarded a Substantial category of Assurance for 2014-15.</p> <p>A recommendation from the meeting was that Performance Monitoring should appear as a stand alone Agenda item at Board meetings. This began a discussion on how the Board can best assist with Best Value and it was agreed that the Board should allocate agenda time at regular points of the planning cycle to review progress on strategic objectives. It was also agreed that a form of Environmental Scoping might also be appropriate at the start of each meeting to identify from Board members issues that may impact OSCR.</p> <p>Overall the Board noted the OSCR Audit Committee Meeting Minutes from 18 February 2015.</p>	<p>NM/DR</p>
<p>6.</p>	<p><b>Agenda item 4: Memoranda of Understanding – Update Report</b></p> <p>The Head of Engagement introduced paper 416.</p> <p>She advised that OSCR currently has thirteen MOU's with other regulators and the purposes of this paper was to update the Board on recent MOU reviews in respect of the Scottish Housing Regulator, HM Revenue and Customs and the Charity Commission (for England and Wales), and ask the Board to approve a new agreement with the Charity Commission for Northern Ireland (CCNI).</p> <p>The Board approved the agreement with CCNI. They also welcomed the MOU review. In respect of Charity Commission for England and Wales they asked for consideration to be given to further clarifying the position of lead regulator within the agreement.</p>	<p>JT</p>

7.	<p><b>Agenda item 5: Making changes to charity legislation</b></p> <p>The Head of Registration introduced paper 417 which outlined the situation with recommendations previously made to Ministers concerning changes to the 2005 Act and other legislation. It sought the Board view on priorities for seeking such changes, as well as approval for recommendations to Ministers in OSCR's 2014-15 Annual Report and Accounts.</p> <p>He advised that while Ministers had given effect to many of OSCR's early recommendations, we had been less successful in furthering our more recent ones. Some recommendations could be dropped due to changes in context: however there were still current ones which needed to be prioritised.</p> <p>The Board discussed the outstanding recommendations and our approach to date to making these. It was agreed that recommendations must be targeted and fully evidenced. The risks and the impact of not taking forward the recommendations must also be clear to Ministers.</p> <p>Specifically, the Board:</p> <ul style="list-style-type: none"> <li>• agreed that officials should establish a greater evidence base for the outstanding recommendations and from this prioritise those that should be lobbied further. It was agreed that some of this should be done in preparation for the Ministerial visit in June 2015 and for a further update at the Board's November 2015 meeting.</li> <li>• agreed that our 2014-15 Annual Report and Accounts should make no specific legislative recommendations, but instead reference those made previously and state that we are pursuing these with Ministers and other stakeholders.</li> </ul>	<p><b>SMT</b></p> <p><b>SMT</b></p>
8.	<p><b>Agenda item 6: Engaging with Scottish Ministers</b></p> <p>The CEO introduced paper 418 which was linked to paper 417, and discussed the other issues on which a constructive dialogue with Ministers is important.</p> <p>The Board noted the paper, and it was agreed that the Chair would write to the Cabinet Secretary prior to the meeting to outline the key issues we would like to discuss.</p>	<p><b>Chair</b></p>
9.	<p><b>Any other business</b> No other business was noted.</p>	